

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No.  
17-md-2804

Judge Dan Aaron  
Polster

This document relates to:

The County of Cuyahoga v. Purdue Pharma, et  
al., Case No. 17-OP-45004

City of Cleveland, Ohio v. Purdue Pharma L.P.,  
et al., Case No. 18-OP-45132

The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al., Case No. 18-OP-45090

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Videotaped Deposition of
SHANE BARKER
November 28, 2018
9:03 a.m.

Taken at:
Sheraton Suites Akron
1989 Front Street - Summit Room
Cuyahoga Falls, Ohio

Stephen J. DeBacco, RPR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the City of Akron and Summit</p> <p>4 County:</p> <p>5 Motley Rice LLC, by</p> <p>6 TOPE O LEYIMU, ESQ</p> <p>7 JAMES W LEDLIE, ESQ</p> <p>8 28 Bridgeside Boulevard</p> <p>9 Mt Pleasant, South Carolina 29464</p> <p>10 (843) 216-9107</p> <p>11 tleyimu@motleyrice.com</p> <p>12 (843) 216-9252</p> <p>13 jledlie@motleyrice.com</p> <p>14</p> <p>15 On behalf of McKesson Corporation:</p> <p>16 Covington & Burling LLP, by</p> <p>17 LAURA FLAHIVE WU, ESQ</p> <p>18 One CityCenter</p> <p>19 850 Tenth Street, Northwest</p> <p>20 Washington, D C 20001-4956</p> <p>21 (202) 662-5982</p> <p>22 lflahivewu@cov.com</p> <p>23 -and-</p> <p>24 Covington & Burling, LLP, by</p> <p>25 RUSSELL M SQUIRE, ESQ</p> <p>The New York Times Building</p> <p>620 Eighth Avenue</p> <p>New York, New York 10018-1405</p> <p>(212) 841-1105</p> <p>rsquire@cov.com</p> <p>~~~~~</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES, Continued:</p> <p>2</p> <p>3 On behalf of Walmart, Inc :</p> <p>4</p> <p>5 Jones Day, by</p> <p>6 KRISTIN S M MORRISON, ESQ</p> <p>7 North Point</p> <p>8 901 Lakeside Avenue</p> <p>9 Cleveland, Ohio 44114-1190</p> <p>10 (216) 586-7375</p> <p>11 kmorrison@jonesday.com</p> <p>12</p> <p>13 On behalf of Cephalon, Inc ; Teva</p> <p>14 Pharmaceuticals USA, Inc ; Actavis, LLC;</p> <p>15 Actavis Pharma, Inc f/k/a Watson Pharma,</p> <p>16 Inc ; and Watson Laboratories, Inc , via</p> <p>17 teleconference:</p> <p>18 Morgan, Lewis & Bockius LLP, by</p> <p>19 LILY G BECKER, ESQ</p> <p>20 1701 Market Street</p> <p>21 Philadelphia, PA 19103-2921</p> <p>22 (215) 963-5055</p> <p>23 lily.becker@morganlewis.com</p> <p>24</p> <p>25 ~~~~~</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES, Continued:</p> <p>2</p> <p>3 On behalf Endo Health Solutions, Inc ,</p> <p>4 and Endo Pharmaceuticals, Inc , and Par</p> <p>5 Pharmaceuticals:</p> <p>6 Arnold & Porter, by</p> <p>7 SAMUEL N LONERGAN, ESQ</p> <p>8 250 West 55th Street</p> <p>9 New York, New York 10019-9710</p> <p>10 (212) 836-7591</p> <p>11 samuel.lonerган@arnoldporter.com</p> <p>12</p> <p>13 On behalf of AmerisourceBergen Drug</p> <p>14 Corporation:</p> <p>15 Jackson Kelly, PLLC, by</p> <p>16 SANDRA K ZERRUSEN, ESQ</p> <p>17 50 South Main Street, Suite 201</p> <p>18 Akron, Ohio 44308</p> <p>19 (330) 252-9060</p> <p>20 skzerrusen@jacksonkelly.com</p> <p>21</p> <p>22 On behalf of Cardinal Health:</p> <p>23</p> <p>24 Porter Wright Morris & Arthur, LLP,</p> <p>25 by</p> <p>SARA C SCHIAVONE, ESQ</p> <p>41 South High Street</p> <p>Suite 2800-3200</p> <p>Columbus, Ohio 43215-6194</p> <p>(614) 227-1994</p> <p>sschiavone@porterwright.com</p> <p>On behalf of Prescription Supply, Inc</p> <p>Pelini, Campbell & Williams, LLC, by</p> <p>WILLIAM M SHACKELFORD, ESQ</p> <p>Bretton Commons - Suite 400</p> <p>8040 Cleveland Avenue Northwest</p> <p>North Canton, Ohio 44720</p> <p>(330) 305-6400, ext 145</p> <p>wms@pelini-law.com</p> <p>~~~~~</p>	<p style="text-align: right;">Page 5</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES..... 2</p> <p>4</p> <p>5 INDEX OF EXHIBITS 6</p> <p>6</p> <p>7 EXAMINATION OF SHANE BARKER</p> <p>8 By Ms. Wu..... 16</p> <p>9 By Mr. Squire..... 167</p> <p>10 By Ms. Wu..... 237</p> <p>11 By Mr. Lonergan..... 308</p> <p>12 By Ms. Morrison..... 337</p> <p>13</p> <p>14 REPORTER'S CERTIFICATE..... 359</p> <p>15</p> <p>16 EXHIBIT CUSTODY</p> <p>17 EXHIBITS RETAINED BY THE COURT REPORTER</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 15</p> <p>1 THE VIDEOGRAPHER: The date is 2 November 28, 2018. We're on the record at 3 a.m. 4 This is the deposition of Shane 5 Barker in the matter of In Re: National 6 Prescription Opiate Litigation, in the United 7 States District Court, Northern District of 8 Ohio, Eastern Division. 9 Will Counsel please state 10 appearances for the record. 11 MR. LEDLIE: This is James Ledlie 12 on behalf of the City of Akron and Summit 13 County. 14 MS. LEYIMU: Tope Leyimu on behalf 15 of City of Akron and Summit County. 16 MS. ZERRUSEN: Sandra Zerrusen from 17 Jackson Kelly on behalf of AmerisourceBergen 18 Drug Corporation. 19 MS. SCHIAVONE: Sara Schiavone, 20 from Porter Wright on behalf of Cardinal 21 Health. 22 MR. SHACKELFORD: Bill Shackelford 23 with Pelini Campbell & Williams on behalf of 24 Prescription Supply, Inc. 25 MS. MORRISON: Kristin Morrison of</p>	<p style="text-align: right;">Page 17</p> <p>1 name for the record? 2 A. Captain Shane Barker. 3 Q. And what is your home address? 4 A. 1048 East Twinsburg Road, 5 Macedonia, Ohio 44065. 6 Q. Have you testified in a deposition 7 before? 8 A. Yes. 9 Q. On how many occasions? 10 A. Twice before. 11 Q. When were those depositions? 12 A. Fifteen, twenty years ago. Been a 13 long time. 14 Q. What was the nature of the first of 15 those depositions? 16 A. They were civil matters. 17 Q. Did they relate to your employment 18 for Summit County? 19 A. No, actually, they did not. 20 Q. What was the general subject matter 21 of those litigations? 22 A. I used to be a member of the 23 National Ski Patrol at Boston Mills Ski Resort, 24 and there were some injury-related cases that I 25 testified on.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. They didn't have any relationship 2 to your work for Summit County? 3 A. No. 4 Q. Have you -- other than in those 5 depositions, have you ever testified under 6 oath? 7 A. Yes. 8 Q. In what types of proceedings? 9 A. Criminal trial proceedings. 10 Q. In about how many cases have you 11 provided testimony? 12 A. More than 50. 13 Q. What was the general nature of your 14 testimony in those criminal cases? 15 A. If I was the charging deputy 16 involved in a criminal case that I made an 17 arrest on. May have been a witness or may have 18 been a supervisor at the time of an incident. 19 Q. When was the last time that you 20 provided testimony in a criminal case? 21 A. Not real sure. It's probably been 22 a couple years ago. 23 Q. Was it during your tenure in the 24 corrections division? 25 A. I don't think I've been to court</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. What were those drugs? 2 A. There was some marijuana cases, 3 some cocaine cases, things like that. 4 Q. Do you specifically recall 5 providing testimony concerning heroin? 6 A. No, I do not. 7 Q. Do you specifically recall 8 providing testimony concerning any prescription 9 drugs? 10 A. I think I have on a couple 11 occasions. Don't really remember exactly what 12 they were, but I know that there was some 13 pill-type cases that I was either -- usually it 14 was when -- it was in a supervisory capacity. 15 Q. What do you recall about the 16 pill-type cases that you just referenced? 17 A. Do you mean what the name of the 18 pill was or what type of pills? Is that what 19 you're asking? 20 Q. Do you recall the type of 21 prescription drugs involved in the pill-type 22 cases in which you've provided testimony? 23 A. I believe I remember a couple about 24 oxycodone. 25 Q. Do you have any understanding of</p>
<p style="text-align: right;">Page 19</p> <p>1 since I've been in the corrections division. 2 Q. When you provided testimony in 3 criminal matters, did you ever testify 4 concerning drug charges? 5 A. Yes. 6 Q. On how many occasions? 7 A. I -- I don't recall. 8 Q. More than 10? 9 A. Probably more than 10, yes. 10 Q. More than 20? 11 A. Probably not that -- probably not 12 that many. 13 Q. In the instances where you provided 14 testimony concerning drug charges, did you ever 15 provide testimony concerning law enforcement 16 encounters related to opioid drugs? 17 A. I can't recall if I've been 18 involved in a -- a case that involved opioids, 19 to a specific case that I may have testified 20 in. 21 Q. Do you recall any of the types of 22 drugs involved in the cases for which you've 23 provided testimony? 24 A. I do, yeah. Some of them I 25 remember.</p>	<p style="text-align: right;">Page 21</p> <p>1 whether oxycodone qualifies as an opioid drug? 2 A. I do. 3 Q. What is that understanding? 4 A. It is an opioid-type drug. 5 Q. In about what year did you provide 6 testimony -- last provide testimony concerning 7 oxycodone? 8 A. It would probably have been 9 sometime before 2011, when I was a lieutenant. 10 Once I became a captain, I'm more of an 11 administrative position. 12 Q. Can you describe the nature of the 13 case in which you provided testimony concerning 14 oxycodone? 15 A. We had a case where we had some 16 pharmacies that were getting burglarized, and 17 they were stealing the oxycodone from the 18 pharmacy, and we caught the guys during the 19 burglary. Actually, my deputies caught the 20 guys, and I was probably a lieutenant on the 21 scene at the time of the arrest. 22 Q. Just for clarity, is that the same 23 case in which you testified in about -- before 24 2011? 25 A. That would have probably been the</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 only time that I would have testified at -- 2 yeah, for that. 3 Q. Do you recall the approximate date 4 of the law enforcement encounter involving the 5 burglary of the pharmacy you just referenced? 6 A. No. It would have been prior to 7 2011. That's when I was promoted and changed 8 job assignments. 9 Q. Do you recall whether it was before 10 or after 2005? 11 A. It would have been after 2005, yes. 12 Q. Do you have any other approximate 13 date for that law enforcement encounter? 14 MR. LEDLIE: Object to the form of 15 the question. Calls for speculation. 16 A. Sometime between -- I'm trying to 17 think. So I was transferred to the patrol 18 division as a lieutenant in 2004 and was 19 promoted to captain, 2011, so it was probably 20 sometime in between 2010, 2011, something like 21 that. 22 Q. All right. Do you recall the name 23 of the pharmacy that was burglarized? 24 A. No, I do not. 25 Q. Could you describe your involvement</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. And how did you determine that the 2 pills taken from the pharmacy were oxycodone? 3 A. The labeling of the pill. 4 Q. Following that law enforcement 5 encounter, what type of records did you have to 6 fill out in order to record the events? 7 A. So me, as a lieutenant, only thing 8 I would have done was send an e-mail or -- or 9 put on the log that we had had an arrest that 10 night for a burglary with that type of -- with 11 that type of incident. But I wouldn't have 12 filled out the reports. The deputies on the 13 scene and the detectives that got called to it 14 would actually fill out all the appropriate 15 paperwork. 16 Q. You mentioned that you testified in 17 a criminal proceeding related to this law 18 enforcement encounter, correct? 19 A. Yes. 20 Q. What was the nature of your 21 testimony at the criminal proceeding? 22 A. Somewhat along these line -- line 23 of questioning that you're giving to me, what 24 was my role in it, did I actually see the 25 offense, and it was -- I just testified that I</p>
<p style="text-align: right;">Page 23</p> <p>1 in the law enforcement encounter involving the 2 pharmacy burglary? 3 A. So I was -- I was a lieutenant, 4 which means I was the, I guess, the second 5 level of supervision on the scene. Would have 6 had deputies that would have made -- actually 7 responded to the call, and then a sergeant who 8 was -- act as the direct supervisor. And then 9 I would have came to the scene; on bigger 10 calls, I would go if I was -- I mean, I was 11 actually in a patrol car, so I would be 12 listening to the radio, and I would go to the 13 scene and make sure that things were handled 14 appropriately. 15 Q. What do you recall, if anything, 16 about the scene at the pharmacy burglary? 17 A. After I had got there, I believe 18 they had two suspects that were in custody. 19 The scene, it was -- it was kind of a -- it was 20 kind of a simple one, because we got an alarm 21 drop, went to the scene, caught the guys a 22 little -- a little ways down the road, close to 23 where they were at. They had the pills on 24 them, and the arrest was made. Kind of -- kind 25 of a simple one.</p>	<p style="text-align: right;">Page 25</p> <p>1 was a supervisor on scene. 2 Q. Following the pharmacy burglary, 3 did the sheriff's department undertake any 4 investigation of whether the burglarized 5 pharmacy had been involved in misconduct? 6 A. No. So this was a while -- while 7 back. Like I said earlier, I think it was 8 pre-2010, 2011. Certainly before 2011, because 9 I got transferred out. But I do remember 10 getting calls from reporters on that, because 11 it seemed to be at that point in time in 12 history that we were starting to see more pills 13 on the street. People were burglarizing homes, 14 people were burglarizing pharmacies to steal 15 those things. 16 Q. In your law enforcement experience, 17 do you recall any other encounters in which you 18 responded to a call where a pharmacy was 19 burglarized for drugs? 20 A. I don't specifically remember my 21 involvement in it. So we would have -- we had 22 two lieutenants that worked in the patrol 23 bureau at that time. I worked at the 4p to -- 24 I'm sorry, 8p to 4:00 a.m. shift. Back then, 25 we were having burglaries, but I don't remember</p>

<p style="text-align: right;">Page 26</p> <p>1 going to any other scene where we had that type 2 of incident. 3 Q. Do you have a recollection of any 4 investigations involving the burglary of 5 prescription opioids? 6 A. So I remember we -- it was kind of 7 a hot topic back then. You know, I was in the 8 patrol bureau, so we were kind of the 9 first-line responders. I know that our drug 10 unit and our detective bureau were looking into 11 things like that, but it was -- I wasn't 12 involved in that kind of stuff, so I really 13 couldn't speak of -- I know my agency was 14 conducting it; it's just I wasn't involved in 15 it. 16 Q. We were talking about your 17 testimony at criminal proceedings. 18 Are there any other criminal 19 proceedings in which you provided testimony 20 related to an opioid drug? 21 A. No. 22 Q. Before we go any further, I just 23 want to talk a little bit about our ground 24 rules for today. 25 I'll be asking you questions, as</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I will do that. 2 Q. And if you need a break at any 3 time, just let me know. And I just ask that 4 you answer the question before we go on a 5 break. 6 A. Okay. 7 Q. One exception to that is if you 8 have a question about privilege, in which case 9 you should ask to caucus with your counsel. 10 A. Okay. 11 Q. Captain Barker, where are you from 12 originally? 13 A. Actually, I was born in Akron, 14 Ohio. I'm from -- I lived in this area my 15 entire life. 16 Q. What's the highest level of 17 education that you've attained? 18 A. Some college. I've got -- I went 19 through a flight school back in the 1990s to 20 become a commercial pilot. 21 Q. What -- what college did you 22 attend? 23 A. Kent State. 24 Q. And for what period of time did you 25 attend Kent State?</p>
<p style="text-align: right;">Page 27</p> <p>1 I've been doing so far. 2 A. Uh-huh. 3 Q. And this conversation will be 4 recorded by our court reporter. To make sure 5 we have a nice clean record, I will ask that 6 you wait until I finish a question to have you 7 answer, and I will do my very best not to jump 8 in before you complete an answer. 9 Is that okay with you? 10 A. Yeah. Did I just answer 11 prematurely? 12 Q. No, not at all. 13 A. Oh, okay. All right. 14 Q. This is just standard operating 15 procedure. 16 A. Got you, okay. 17 Q. And you understand that you're 18 testifying under oath today? 19 A. I do. 20 Q. Is there any reason that you can't 21 provide truthful testimony as you sit here 22 today? 23 A. No. 24 Q. If you don't understand a question, 25 please ask me for clarification, okay?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. The fall of '86 through 1989, 2 probably. 3 Q. Did you receive any degree from 4 Kent State? 5 A. No. 6 Q. Could you describe the nature of 7 your law enforcement training? 8 A. I went -- went through the police 9 academy in 1992. Graduated in 1993. Became a 10 deputy sheriff in December of 1993, and then 11 became a full-time deputy sheriff in November 12 of 1994. 13 Q. Following your studies at Kent 14 State, were you employed? 15 A. Yes, I had a couple jobs. 16 Q. What was the nature of your 17 employment? 18 A. I sold airplanes for United Aero 19 Sales. I sold alarms for Bickett-United 20 Security. I flight instructed at Skypark in 21 Wadsworth. So kind of a little bit of a lot of 22 things. 23 Q. Following your law enforcement 24 training at the academy, what was your 25 employment?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. I was doing all three of those 2 things I just mentioned. I didn't get hired as 3 a deputy for almost a year. 4 Q. Who hired you as a deputy? 5 A. Sheriff Troutman, Summit County 6 Sheriff's Office. 7 Q. And what was your title at the time 8 you were hired? 9 A. Deputy sheriff. 10 Q. What was the nature of your 11 responsibilities in that role? 12 A. When I first got hired in the 13 sheriff's office, I worked in the corrections 14 division for a couple years, and then I got 15 transferred to patrol as a deputy, until I was 16 promoted to sergeant in 1999. 17 Q. What were the approximate dates of 18 your tenure as a deputy in the corrections 19 division? 20 A. It would have been from 1994 until 21 about 1997, so just a little over three years, 22 as I recall. 23 Q. What were your responsibilities in 24 the corrections division during the period 1994 25 to 1997?</p>	<p style="text-align: right;">Page 32</p> <p>1 it. And you want to maintain -- maintain that 2 rapport with the inmate, because you're able -- 3 better able to do your job that way. You can 4 kind of sense what's going on. 5 And they -- and they would talk 6 about their cases. And back then, in the '90s, 7 it was cocaine, marijuana, crack cocaine, 8 those -- those types of things that we were 9 seeing back then. 10 Q. Do you recall any of the inmates 11 reporting on charges related to a drug that 12 would qualify as an opioid, such as heroin? 13 A. No, I don't remember that -- that 14 type of stuff back then. 15 Q. Do you remember any conversations 16 with inmates during the same period, 1994 to 17 1997, related to prescription drugs? 18 A. No, nothing like that back in that 19 time. 20 Q. Again, staying in the period 1994 21 to 1997, do you recall any enforcement 22 encounters within the jail where an inmate was 23 using drugs while incarcerated? 24 A. You mean actually at the jail? 25 Q. Yes.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. So we run a direct-supervision 2 jail. It's a style of supervision. And I was 3 a deputy that was responsible for 24 to 48 4 inmates actually in the pod, monitoring the -- 5 supervising the inmates, making sure they were 6 fed and clothed and there was no fights and no 7 assaults going on, running the -- running 8 the -- we call them pods. Running the daily 9 day -- the day-to-day activity on the shift I 10 was assigned to. 11 Q. What was your -- where did you work 12 as a deputy? Was it at the Summit County Jail? 13 A. Yes, it was the Summit County Jail 14 on Crosier Street. 15 Q. During this period, 1994 to 1997, 16 did you have any encounters with inmates 17 abusing drugs? 18 A. Yes, we did. 19 Q. What was the nature of those 20 encounters? 21 A. So when you work inside the jail, 22 you're in there, you're shoulder to shoulder 23 with them, and you will, at some point -- as a 24 deputy, you don't ask about cases, but 25 sometimes they'll start to talk to you about</p>	<p style="text-align: right;">Page 33</p> <p>1 A. No, I don't remember anything like 2 that. 3 Q. You said that you left corrections, 4 your corrections post, in 1997; is that 5 correct? 6 A. I think that's the year, yes. 7 Q. What was your next -- your next 8 employment? 9 A. So we -- we put in show of interest 10 to bid to go to a different assignment. I 11 would have bid to go to the patrol bureau. 12 Q. Did you, in fact, go to the patrol 13 bureau in 1997? 14 A. Yes, I did. 15 Q. What was your title when you were 16 assigned to patrol? 17 A. Still a deputy sheriff, just 18 assigned to the patrol division. Title didn't 19 change. 20 Q. For what period did you serve as a 21 deputy in the patrol division? 22 A. Up until I was promoted in October 23 of 1999 to the rank of sergeant, and then I 24 went back to the corrections division. 25 Q. So what was -- what was the nature</p>

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1 of your duties in -- as a deputy in patrol for
 2 the period 1997 to 1999?
 3 A. I was usually assigned to the city
 4 of Green, and I did work in Northfield for a
 5 little while, did work at the airport. But I
 6 would say 80 percent of my time was in the city
 7 of Green, and I responded to calls for service
 8 in that city.
 9 Q. When you say calls for service,
 10 what would that entail?
 11 A. Everything from, "I have an animal
 12 in my house," to car crashes, to burglaries,
 13 robberies, rapes, anything like that. It's any
 14 type of call for service that somebody needed
 15 help with, I would go to.
 16 Q. During your patrol work for the
 17 period 1997 to 1999, do you recall any
 18 encounters involving drugs?
 19 A. Yes, I do.
 20 Q. About how many encounters do you
 21 recall that involved drugs?
 22 A. You know, maybe a couple encounters
 23 a -- a week. I was working eight-hour shifts
 24 back then, so five days a week. One or two
 25 during a week was -- seems to me about what it

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1 was. A lot of -- a lot of the calls I took
 2 were a lot of crashes. 77 runs through there,
 3 so a lot of crashes, a lot of burglaries.
 4 The drugs didn't seem to be that
 5 prevalent then. We might make a traffic stop
 6 or come across a kid with some marijuana in his
 7 pocket, but that's pretty much what it was.
 8 Q. To the best of your recollection,
 9 what drugs did you encounter during your patrol
 10 service for this period, '97 to 1999?
 11 A. It was almost always marijuana.
 12 Q. Are there any other drugs that you
 13 recall encountering?
 14 A. Yeah, I mean, we come across crack
 15 cocaine, which was the rock variety. Those are
 16 really the two that stick out to me. And
 17 anything that would have been more than that,
 18 we would have -- we have a drug unit. We would
 19 have called them to the scene, let them handle
 20 it.
 21 Q. What were the policies for handing
 22 off a law enforcement encounter involving drugs
 23 to the drug unit?
 24 A. We would run it -- we would let the
 25 sergeant know what we had, and he would make

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1 the -- he or she would make the decision to
 2 have the drug -- drug unit come to the scene
 3 and take over.
 4 Q. Is -- do you know if that's still
 5 the policy for the Summit County Sheriff's
 6 Department?
 7 A. Yeah, I don't work patrol since
 8 2011. I'm sure that's still what they do.
 9 Yeah, they -- they would call the drug unit if
 10 it's something of a larger caliber.
 11 Q. Do you recall any law enforcement
 12 encounters during this period, 1997 to 1999,
 13 that involved a drug that would qualify as an
 14 opioid?
 15 A. At -- yeah, I can't remember
 16 anything like that back when I was actually a
 17 road deputy. I don't recall anything like
 18 that.
 19 Q. How about any law enforcement
 20 encounters during this same period that
 21 involved prescription drugs?
 22 A. I don't recall anything like that.
 23 Q. Where did you go after you
 24 completed your service in patrol in 1999?
 25 A. I was promoted to the rank of

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1 sergeant and then reassigned back to the
 2 corrections division.
 3 Q. For what period did you serve in
 4 the -- as a sergeant in the corrections
 5 division?
 6 A. I think I was there for -- it was
 7 definitely less than a year. Probably
 8 something around eight or nine months, and then
 9 I went back out to patrol as a sergeant out in
 10 patrol.
 11 Q. What was the nature of your role as
 12 a sergeant in the corrections division in 1999?
 13 A. As a sergeant, you still respond to
 14 calls for service if there's not a car --
 15 another deputy available.
 16 And then, as a sergeant, I --
 17 whenever the deputies were taking calls, I
 18 would just kind of go along, shadow them, make
 19 sure they know what's going on. If there was
 20 anything serious, I'd be the one to call a
 21 lieutenant or call the drug unit and let them
 22 know we had a serious issue or call the
 23 detective bureau if it was a serious-type
 24 crime. Basically supervising what the deputies
 25 were doing on their day-to-day operations.

<p style="text-align: right;">Page 38</p> <p>1 Q. When you were assigned to 2 corrections, were you physically located at the 3 Summit County Jail? 4 A. Yeah, when I was assigned 5 to correct- -- yes, I always reported to the 6 Summit County Jail for work, yes. 7 Q. And what was the -- what were the 8 nature of your responsibilities as a sergeant 9 assigned to the Summit County Jail in 1999? 10 A. So as a sergeant, you're no longer 11 inside the pod with the inmates. You have an 12 office on the east or west side of the jail, 13 and you supervise the deputies to make sure 14 that they're doing what they need to do to make 15 sure that the jail is a safe environment. 16 Q. During your time at the jail in 17 1999, what do you recall about the -- the 18 number of inmates who were incarcerated due to 19 drug-related crimes? 20 MR. LEDLIE: Object to the form. 21 A. Don't know the exact number, but I 22 know that it -- it was a lot. It was probably 23 the majority of the people had some 24 drug-related offense with another criminal 25 offense, if that makes sense.</p>	<p style="text-align: right;">Page 40</p> <p>1 lot of researching. So when somebody's 2 arrested for a, say, drug abuse, a drug offense 3 in the state of Ohio, it is us- -- that's 4 how it -- it says drug abuse. It doesn't 5 usually say what type of drug it was. You'd 6 have to go into the body of the investigative 7 report and read through it and find out that it 8 was marijuana, cocaine, or some type of opiate. 9 Q. And that's because the booking 10 records have the charge information, which is 11 not drug-specific, correct? 12 A. That is correct, yes. 13 Q. Is that how the booking records are 14 maintained today? 15 A. It's a little different now. 16 It's -- it is more computerized, but, still, 17 the state charge is drug abuse. You'd have to 18 actually read through the complaint from the 19 officer that brings the -- the suspect into the 20 jail or our reports that would -- it would be 21 in the body of the report, listed on the 22 property sheet, maybe, exactly what we had. 23 If we tagged it into evidence, we 24 would -- you know, we would go through, so 25 we -- we would do a field test on it. We would</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. What do you mean by "another 2 criminal offense"? 3 A. You know, you may have a burglary 4 charge or something like that, and then with 5 their burglary charges, when they were, you 6 know, patted down or brought into the jail, 7 they might have drugs on them, and there'd be 8 an additional charge for the drugs. 9 Q. Do you have a recollection of what 10 types of drugs were used by the inmate 11 population in this period, 1999? 12 MR. LEDLIE: Object to the form of 13 the question. Vague. 14 A. It was, again, marijuana and 15 cocaine was the stuff that was the most 16 prevalent back then. Anything else, it would 17 have been very odd, so I would have remembered 18 that. 19 Q. If we wanted to look to determine 20 what types of drugs were involved in law 21 enforcement encounters that brought inmates to 22 be incarcerated at the jail, where would we 23 look to find that information? 24 A. You'd have to go through the old 25 reports, so -- and it would be -- it would be a</p>	<p style="text-align: right;">Page 41</p> <p>1 look at the numbering on the pill, and then 2 that would be tagged into the property, but it 3 wouldn't be part of the charge, per se. 4 Q. In the -- so you've described, I 5 think, two documents: The first is the police 6 investigation report; is that correct? 7 A. Yeah, actually it's called a 8 confid- -- confidential investigation. It -- 9 it's more of the -- of a narrative type, step 10 one, all the way through the -- to the bottom, 11 our deputies will write. It's not the actual 12 incident report, which is more of a -- a 13 generalized, shorter report. 14 Q. The con- -- who completes the 15 confidential investigation report? 16 A. The arresting officer. 17 Q. And where are those documents 18 filed? 19 A. They're kept in a case file in 20 our -- our detective bureau. 21 Q. Are there any requirements for the 22 level of detail an officer must include in 23 those reports? 24 MR. LEDLIE: Object to the form of 25 the question.</p>

<p style="text-align: right;">Page 42</p> <p>1 A. So we have a policy on how it's 2 supposed to be written, but myself, as a 3 supervisor, when I read a report that's 4 generated by one of my staff, I like it -- I 5 direct my staff that if I pick this up as a 6 juror, I have to be able to read that and not 7 have any questions of to what happened at a 8 particular incident. So I'm looking for a 9 essay format from -- I'll be looking for 10 details of the entire case.</p> <p>11 Q. The second document that you 12 referenced as including information about the 13 type of drug involved in a law enforcement 14 encounter was a corrections document; is that 15 correct?</p> <p>16 A. I think property sheet.</p> <p>17 Q. A property sheet.</p> <p>18 A. Yes.</p> <p>19 Q. What -- what is a property sheet?</p> <p>20 A. So I was -- it would be a -- a list 21 of whatever was taken that we seized into 22 property and put into our evidence room, 23 whether it's -- whatever that property would -- 24 would be listed on there. And if we didn't -- 25 if the deputy didn't know at the time of the</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I was never involved in -- in that 2 until -- so I supervise ID and records now, and 3 we -- we do store things electronically. But 4 when I got there as a captain in 2011, it was 5 already being done. I don't know when we 6 started doing it.</p> <p>7 When I worked patrol as a deputy 8 and a sergeant, lieutenant, we were handwriting 9 things, handwriting reports in the -- in a car. 10 We'd -- you'd put the clipboard on the steering 11 wheel and you'd write in the car. So I don't 12 know when they changed over to the electronic 13 format.</p> <p>14 Q. Understood. How about the 15 investigation report that you referenced 16 earlier? Do you know if those -- the contents 17 of the investigation report is maintained 18 electronically?</p> <p>19 A. That report generally is not 20 maintained electronically, unless we were to 21 scan it in as a supervisor and scan it in to 22 e-mail to somebody, but it's usually kept with 23 the case file or with the arresting deputy.</p> <p>24 Q. Is there any other source of 25 information, electronic or hard -- hard copy,</p>
<p style="text-align: right;">Page 43</p> <p>1 incident, they would put "unknown," and then at 2 a later date, whatever it was would be added 3 once it was tested to find out what exactly it 4 was.</p> <p>5 Q. Who completes the document called 6 the property sheet?</p> <p>7 A. Generally, it is the arresting 8 deputy if it's a smaller-type case. But if 9 it's something large, we may bring out a 10 property officer from downtown to do it.</p> <p>11 Q. Where are the property sheets kept?</p> <p>12 A. In the property room with the -- 13 the evidence that's seized, and then a copy is 14 also in our records and ID bureau.</p> <p>15 Q. Are the contents of the property 16 reports stored electronically?</p> <p>17 A. You mean the con- -- like the 18 actual -- the document or -- or the actual 19 items?</p> <p>20 Q. The document.</p> <p>21 A. They are now. They haven't always 22 been that way.</p> <p>23 Q. When did the doc- -- sorry, the 24 property reports start to be store -- stored 25 electronically?</p>	<p style="text-align: right;">Page 45</p> <p>1 which would identify the type of drug involved 2 in a law enforcement encounter?</p> <p>3 MR. LEDLIE: Object to the form of 4 the question.</p> <p>5 A. I'm -- I'm sure there probably is. 6 I mean, we will pull stats and -- and farm them 7 for our own purposes, but those are the two 8 main things is the actual incident report, the 9 property sheet, and then -- and then the 10 investigative report. Kind of an all -- all 11 one big encompassing documents for it.</p> <p>12 Q. Now, we were talking about 1999.</p> <p>13 A. Uh-huh.</p> <p>14 Q. You said that you left corrections 15 after a period -- your corrections assignment 16 after a period of months. Where did you go 17 next?</p> <p>18 A. Then I went back onto the patrol 19 bureau.</p> <p>20 Q. How long did you serve as a 21 sergeant in the patrol bureau?</p> <p>22 A. Until I was promoted to the rank of 23 lieutenant in 2003, so I was out there for 24 probably under -- less than four years as a 25 sergeant.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. What was the nature of your duties 2 as a sergeant in patrol for the period 1999 to 3 2003?</p> <p>4 A. I would assist with calls for 5 service. If there was not a car available, I 6 would take the call. But generally I was there 7 to supervise the -- the deputy staff that 8 would -- that are -- that were taking the calls 9 for the day. Anywhere from 10 to 12 deputies 10 per shift, I would supervise. If they had a 11 problem, I would go to the scene, or I would go 12 to the scene on my own volition if I thought it 13 was going to be a call that required some 14 additional assistance.</p> <p>15 Q. What was the geographic -- what was 16 the geographic boundary of your assignment for 17 patrol during this period?</p> <p>18 A. As a sergeant or as a deputy?</p> <p>19 Q. As a sergeant, during the period 20 1999 to 2003.</p> <p>21 A. Okay. So I would be responsible 22 for the whole county, from Akron-Canton Airport 23 at the south side, which is Green, all the way 24 up to Twinsburg Township and Northfield Center 25 Township. So in the -- the entire county.</p>	<p style="text-align: right;">Page 48</p> <p>1 bosses downtown knew what was going on. And we 2 would type that out, fax it, at the time. Fax 3 it downtown. And my name would be on that, 4 tell you what calls I was on.</p> <p>5 Q. Do you recall about how many calls 6 per week related to drug events?</p> <p>7 MR. LEDLIE: Object to the form of 8 the question.</p> <p>9 A. I -- I don't recall the numbers. 10 It was probably less than a quarter of the 11 calls.</p> <p>12 Q. You testified earlier that during 13 the period 1997 to 1999, you estimate that you 14 responded to one to two law enforcement calls a 15 week that involved drugs, correct?</p> <p>16 A. I did, yes.</p> <p>17 Q. During the period 1999 to 2003, 18 when you served as a sergeant -- sergeant for 19 patrol, did you respond to more or fewer law 20 enforcement calls involving drugs?</p> <p>21 A. So it would have been more, simply 22 because I would respond to the deputies' calls. 23 So if I have 10 or 12 deputies working on a 24 shift -- I worked afternoon shift back then -- 25 if one or two of them had a drug-related arrest</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. During the period 1999 to 2003, 2 when you served as a sergeant in patrol, do you 3 recall how many law enforcement encounters you 4 participated in that involved drugs?</p> <p>5 MR. LEDLIE: Object to the form of 6 the question.</p> <p>7 A. I don't know how many, but it 8 wasn't -- again, it's kind of still that same 9 time frame where the drugs are there, but it's 10 not as -- it's not as prevalent as it is right 11 now.</p> <p>12 Q. If we wanted to look at documents 13 in order to identify how many drug encounters 14 you participated in, where would we look?</p> <p>15 A. It would have to be the reports. 16 So when a -- when a supervisor comes to the 17 scene, generally, the supervisor name is 18 included in the body of the report somewhere. 19 At the time, it would have been, "Sergeant 20 Barker was on scene and advised," or something 21 along those lines. So you would have to go and 22 pull all the reports from that time.</p> <p>23 And then we would also have -- at 24 the end of every shift, we would submit what 25 was called a shift manager report so that our</p>	<p style="text-align: right;">Page 49</p> <p>1 that night, I would usually respond to that. 2 So, consequently, I went to more because I was 3 supervising 10 or 12 deputies.</p> <p>4 Q. So the change in the number of drug 5 enforcement encounters in which you 6 participated was driven by the nature of your 7 role in the sheriff's department, not by the 8 overall number of drug events in Summit County?</p> <p>9 MR. LEDLIE: Object to the form of 10 the question.</p> <p>11 A. I would say that that sounds 12 accurate.</p> <p>13 Q. And do you have any recollection of 14 about how many drug encounters per week you 15 responded to?</p> <p>16 A. As a sergeant, I was probably going 17 to a couple a night.</p> <p>18 Q. Do you recall what types of drugs 19 were involved in those law enforcement 20 encounters, again during the period 1999 to 21 2003?</p> <p>22 A. It was -- the majority of it, 23 again, was marijuana and cocaine-type stuff. 24 That's -- that's what's sticking out with me.</p> <p>25 Q. Do you recall any law enforcement</p>

<p style="text-align: right;">Page 50</p> <p>1 encounters involving drugs that would qualify 2 as opioid drugs during that period, 1999 to 3 2003? 4 A. No, my -- my first recollection 5 that we dealt with opioids as an agency would 6 have been after the time I was promoted to 7 lieutenant. 8 Q. What is your first recollection of 9 dealing with opioids as an agency? 10 A. We talked about the burglary 11 earlier of the pharmacy. It would have been 12 that. That was when we started getting phone 13 calls and the media started to get more 14 interested -- started to get interested in it 15 at that point in time. 16 I would receive calls, and they'd 17 want to talk to me about -- I remember giving a 18 phone interview to a reporter. I don't 19 remember what -- I think it was a TV reporter, 20 but I don't remember which station it was, but 21 they were interested in -- because we had got 22 OxyContin, oxycodone. 23 Q. Was that interview related to the 24 pharmacy burglary that you testified about 25 earlier today?</p>	<p style="text-align: right;">Page 52</p> <p>1 would get my dispatcher call me and say, "We 2 have a reporter that wants to talk to you about 3 an arrest," and I believe it was two times that 4 I spoke to two different reporters about two 5 different thefts of medications. 6 Q. When was the first event in which 7 you spoke to a reporter about a law enforcement 8 event involving OxyContin? 9 A. It was the pharmacy burglary that 10 we were talking about earlier. 11 Q. When was the second time that you 12 spoke to a reporter about a law enforcement 13 event involving OxyContin? 14 A. It was sometime in -- in the same 15 time frame. I remember there -- it was both -- 16 both times, it was warm out. I got -- had my 17 window down, so it was -- had to have been, you 18 know, above 50, I would -- I would think. 19 But it was -- it was -- they were 20 both somewhat back to back. Maybe months in 21 between, two or three months in between. 22 Q. Let's move to that second law 23 enforcement encounter -- 24 A. Okay. 25 Q. -- involving OxyContin. About when</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes, it is. 2 Q. What response, if any, did the 3 sheriff's department have to the OxyContin -- 4 the new issue of OxyContin in the Summit area? 5 MR. LEDLIE: Object to the form of 6 the question. 7 A. You know, that was a -- it -- it 8 was new to us. And at that point in time, I'm 9 a -- I'm a lieutenant. You're considered 10 command-level staff, but I don't have -- I 11 don't have the executive authority to, you 12 know, direct a task force or something like 13 that. 14 But I just knew, at that point in 15 time -- you know, media doesn't generally call 16 a road cop and start talking about certain 17 things. That's what sticks out is I started 18 getting phone calls. And I think -- I think at 19 the time I was a lieutenant, I think I talked 20 to two reporters about OxyContin that were 21 being stolen. 22 Q. Do you recall any other situations 23 in which you spoke with the media about 24 OxyContin? 25 A. I think I did on two occasions. I</p>	<p style="text-align: right;">Page 53</p> <p>1 did it occur? 2 A. Again, it had to -- it had to have 3 been prior to 2011. I want to say it was 4 probably '9 or '10, something like that. 5 Q. What was the nature of the law 6 enforcement encounter involving OxyContin? 7 A. We had another -- we had another 8 theft of OxyContin. I -- but I don't remember 9 if it was from a pharmacy or not. Being that 10 it was a theft of that, it probably was. I 11 just -- I don't want to say something I don't 12 know for sure. But it was -- it was a theft 13 of -- pills were starting to be stolen at this 14 point in time, and it's starting to -- it's 15 starting to get our attention. 16 Q. What was the nature of your 17 involvement in that law -- second law 18 enforcement encounter involving OxyContin? 19 A. I gave the interview to the 20 reporter, and I wasn't -- so during the second 21 one I'm talking about, I didn't go to the scene 22 of anything like that. I just had information. 23 I was the lieutenant that was on duty that 24 night the reporter was wanting some answers to. 25 Q. What was your involvement in the</p>

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1 investigation of the burglary event?

2 A. I really had no involvement in the

3 actual, for lack of a better term, the police

4 work of it.

5 Q. What types of documents would

6 record the police work involved in that

7 OxyContin encounter?

8 A. So you would have the initial --

9 the initial incident report. You'd have the

10 confidential investigation from the deputies or

11 deputies [sic] that were involved. You would

12 again have the property sheets. You'd have our

13 CAD entries, which is computer-aided dispatch,

14 from our dispatch would have some type of notes

15 in -- in the -- the way the call went out over

16 your radio; you'd have documentation that way.

17 And anything that the -- you know,

18 any notes that the deputy would have taken that

19 they usually -- you know, on the scene when

20 you're just scratching stuff down, they would

21 have kept that in their own case file for when

22 they went to court. So I think that's about

23 it.

24 Q. How did the sheriff's -- sheriff's

25 department determine that it was OxyContin

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1 involved in the second burglary that you were

2 describing?

3 A. The -- the stampings on -- on the

4 pills.

5 Q. Do you know if the sheriff's

6 department undertook any chemical testing of

7 the pills in order to determine their actual

8 substance?

9 A. We would -- we -- we may have field

10 tested something with what's -- it's called a

11 NIK kit. It's a -- it's a small plastic bag

12 with some reagents in it, and you drop

13 something in there, and you look for the color.

14 We have since quit doing that because there was

15 glass vials in there that when you squeeze to

16 do the test, it would -- it was poking through

17 and -- and getting stuff on our deputies'

18 fingers.

19 So we may -- back then, we were

20 still doing the -- the NIK kit, which was field

21 testing, and -- and it would -- but it would

22 still -- would have been sent out to the BCI to

23 have it actually identified for sure, and then

24 we'd get a report back that says, "Yes, this is

25 exactly what you have."

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1 Q. Where would the -- the drug testing

2 results from the NIK kit be recorded?

3 A. It would -- it would be in the

4 narrative of the -- the deputy writing the

5 report. So the deputy would test it. It would

6 show up -- just, say, blue for whatever we're

7 looking for -- and the deputy would put in

8 there that, "I field tested this, and it -- and

9 it gave me a reaction consistent with cocaine,"

10 or whatever it was that we were looking for.

11 Q. You mentioned a second way in which

12 the sheriff's department tested drugs, and that

13 was sending them out to BCI; is that right?

14 A. Yes, that's correct.

15 Q. What is BCI?

16 A. Bureau of Criminal Investigations,

17 I think. I have trouble with the acronym on

18 that now. It's the state -- it's the state

19 agency that does evidence work for us.

20 Q. In what circumstances does the

21 sheriff's department send drugs to BCI for

22 testing?

23 A. Are we -- are you talking about

24 back in the '90s or what we do right now?

25 Q. So let's -- we had been talking

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1 about the period, I believe, 2009 to 2011 with

2 this OxyContin encounter.

3 A. Okay.

4 Q. Let's stay there for the time

5 being.

6 A. Okay.

7 Q. So let me -- let me ask a cleaner

8 question.

9 During the period 2009 to 2011,

10 during -- under what circumstances would the

11 sheriff's department send a drug to BCI for

12 testing?

13 A. So we would -- we would have sent

14 everything at that point in time. So we would

15 still do the field -- we were still doing field

16 testing back then, to get our, you know,

17 probable cause to make the arrest. And then we

18 still sent everything to BCI, so that when we

19 went to trial, we knew for sure exactly what it

20 was. So it was still -- we were still using

21 BCI for them to run a test on it, come back

22 with an official determination, "This is --

23 this is what you have."

24 Q. Was there a point in time that the

25 sheriff's department stopped sending all drugs

<p style="text-align: right;">Page 58</p> <p>1 to BCI for testing?</p> <p>2 A. Not that I know of.</p> <p>3 Q. You mentioned that there came a</p> <p>4 point in time when the sheriff's department</p> <p>5 discontinued using the NIK kit to test drugs,</p> <p>6 correct?</p> <p>7 A. Correct. NIK is the brand name,</p> <p>8 but it's basically a field test. You can test</p> <p>9 in the field without having to have a lab.</p> <p>10 Q. When did the sheriff's department</p> <p>11 discontinue use of the NIK kit?</p> <p>12 A. I'm going to say it's probably been</p> <p>13 close to four or five years ago when we started</p> <p>14 to see fentanyl. We didn't want our -- our</p> <p>15 deputies getting dosed and having health</p> <p>16 issues.</p> <p>17 Q. What was the sheriff's</p> <p>18 department -- what was the sheriff's</p> <p>19 department's particular concern about fentanyl?</p> <p>20 A. About fentanyl?</p> <p>21 Q. Yes.</p> <p>22 A. We didn't want our deputies getting</p> <p>23 dosed and getting injured or -- or dying</p> <p>24 because of what was -- what we were finding out</p> <p>25 in the streets, you know, a few years back.</p>	<p style="text-align: right;">Page 60</p> <p>1 time?</p> <p>2 A. I was a captain assigned as a shift</p> <p>3 commander to the jail.</p> <p>4 THE REPORTER: Did you say "to the</p> <p>5 jail"?</p> <p>6 THE WITNESS: Yes, I did. Sorry</p> <p>7 about that.</p> <p>8 Q. How did you become aware of</p> <p>9 fentanyl being sent into the Summit County</p> <p>10 Jail?</p> <p>11 A. Because it was -- it was brought to</p> <p>12 my attention that one of our inmate service</p> <p>13 workers had found -- had found the -- the patch</p> <p>14 stuck to a -- a letter sent to an inmate.</p> <p>15 Q. How did the correction staff</p> <p>16 determine that the patch you referenced</p> <p>17 contained the substance fentanyl?</p> <p>18 A. Not exactly sure how they knew, but</p> <p>19 the person that -- that found something</p> <p>20 suspicious stuck to the letter brought it to</p> <p>21 her supervisor, and then we had it tested. And</p> <p>22 I don't know how we had it tested. I would</p> <p>23 assume that we sent it to BCI, but I do know</p> <p>24 that it, in fact, was a fentanyl patch.</p> <p>25 Q. Prior to this incident in about</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. When did the sheriff's department</p> <p>2 first become concerned about fentanyl in the</p> <p>3 Summit area?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question. He's a fact witness. He's not a</p> <p>6 30(b)(6) for the sheriff's department.</p> <p>7 Q. You can still --</p> <p>8 A. Still answer?</p> <p>9 Q. Yes, please.</p> <p>10 A. So I know specifically when I</p> <p>11 became aware of it. As -- as a captain, I was</p> <p>12 assigned to the corrections bureau, and we got</p> <p>13 a letter in, and it had a patch that people get</p> <p>14 and they put on their -- for medical treatment.</p> <p>15 And it was being sent in through the mail for</p> <p>16 the inmates to get. And one of our inmate</p> <p>17 service workers who screens the mail found it.</p> <p>18 So that was probably very early</p> <p>19 2011, 2012. I start -- I personally had</p> <p>20 knowledge that we were worried about it getting</p> <p>21 in -- into the jail.</p> <p>22 Q. So you're describing your own</p> <p>23 personal experience encountering fentanyl in</p> <p>24 about 2011. What was the nature of your</p> <p>25 employment for the sheriff's department at that</p>	<p style="text-align: right;">Page 61</p> <p>1 2011, had you ever encountered fentanyl in your</p> <p>2 law enforcement activities in Summit?</p> <p>3 A. No, I -- I never did personally.</p> <p>4 Q. Prior to this incident in about</p> <p>5 2011, were you aware of any law enforcement</p> <p>6 encounters involving fentanyl in Summit?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. No, I'm not -- I'm not -- that's</p> <p>10 when I personally became aware of it.</p> <p>11 Q. Are there any other law enforcement</p> <p>12 encounters involving fentanyl specifically,</p> <p>13 that you recall?</p> <p>14 A. You know, I want to say that we --</p> <p>15 we've had a couple instances of something</p> <p>16 coming into the jail by way of the U.S. mail,</p> <p>17 and -- and, consequently, we've -- we've</p> <p>18 changed the way we -- we do things because of</p> <p>19 that. But I know this one specifically because</p> <p>20 I knew the lady that found it, and her father</p> <p>21 used to work for us. That's how I remember</p> <p>22 that specific incident.</p> <p>23 But I know that we've had a couple</p> <p>24 more attempts to get things in the -- into the</p> <p>25 facility with sticking the fentanyl patches on</p>

<p style="text-align: right;">Page 62</p> <p>1 the -- on the letters.</p> <p>2 Q. In the case that you described in</p> <p>3 2011, were there any records that record the</p> <p>4 incident of contraband, in that case fentanyl,</p> <p>5 being sent into the jail?</p> <p>6 A. Yeah, we would have -- yes, we</p> <p>7 would have written a report on it at that point</p> <p>8 in time, and I also sent an e-mail to -- to</p> <p>9 my boss at the time, who was Chief Gary James.</p> <p>10 I sent him something that said this -- this was</p> <p>11 found, to let him know what's going on. And a</p> <p>12 report would have been generated, and we would</p> <p>13 have sent it to either our detective bureau or</p> <p>14 our drug unit to have -- have it investigated</p> <p>15 who -- maybe who sent that in. And I don't</p> <p>16 know the results of that.</p> <p>17 Q. What is the report that the</p> <p>18 corrections division would have completed to</p> <p>19 record the fentanyl being sent into the jail?</p> <p>20 A. So the deputies in the jail write</p> <p>21 the exact same reports that the patrol deputies</p> <p>22 do. They would have written the incident</p> <p>23 report or the confidential -- confi- --</p> <p>24 confidential investigation of exactly what</p> <p>25 happens. So it's the same reporting process.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Would the OLEG report for the 2011</p> <p>2 incident involving fentanyl include the word</p> <p>3 "fentanyl"?</p> <p>4 A. Most likely.</p> <p>5 Q. And would the investigation report,</p> <p>6 the Word document you referenced, also</p> <p>7 reference the specific drug fentanyl?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 A. Yes, it would -- it would list it</p> <p>11 in there, but if the report is being written,</p> <p>12 which 99 percent of the time it's written prior</p> <p>13 to an actual BCI test, it would probably say</p> <p>14 something like "suspected fentanyl." And</p> <p>15 then -- and then the report from BCI would be</p> <p>16 attached to that case file.</p> <p>17 Q. Would the BCI report be entered</p> <p>18 into OLEG once it's received?</p> <p>19 A. I don't think so.</p> <p>20 Q. Would the BCI report be attached to</p> <p>21 the investigation report, the Word document</p> <p>22 that you mentioned?</p> <p>23 MR. LEDLIE: Object to the form of</p> <p>24 the question. Asked and answered.</p> <p>25 A. Yes, it should be with the case</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. And is that information kept</p> <p>2 electronically, as well?</p> <p>3 A. At that point --</p> <p>4 MR. LEDLIE: Objection to the form</p> <p>5 of the question.</p> <p>6 Sorry. You can answer.</p> <p>7 A. At that point in time, we would --</p> <p>8 we would have -- how can I explain this? So</p> <p>9 the guys on the road don't have access to a</p> <p>10 computer -- computers back then. Even though</p> <p>11 it's 2011, they would handwrite it. But the</p> <p>12 deputies in the jail will sit down at a</p> <p>13 computer, because we have access to that</p> <p>14 equipment, and they will type the report</p> <p>15 into -- it's OLEG, Ohio Law Enforcement</p> <p>16 Gateway, I believe it's called, that stores all</p> <p>17 of our reports electronically.</p> <p>18 So they would have typed that</p> <p>19 incident report on the format on the screen and</p> <p>20 done it that way. And then would have typed</p> <p>21 the confidential investigation, which is just a</p> <p>22 blank format. It's a Word document that our</p> <p>23 guys type for the investigative report, which</p> <p>24 is a much more detailed description of the</p> <p>25 event.</p>	<p style="text-align: right;">Page 65</p> <p>1 file that is maintained in the -- in the</p> <p>2 detective bureau. When they get the -- when</p> <p>3 the report comes back from BCI, it should be</p> <p>4 put in there so that when the case goes to</p> <p>5 trial, we have an exact description of what we</p> <p>6 have.</p> <p>7 Q. And is that case file maintained</p> <p>8 electronically, in addition to the hard copy</p> <p>9 file in the detective's bureau?</p> <p>10 A. I -- I don't think it is. I don't</p> <p>11 know that -- know that for sure. I know that</p> <p>12 years ago, when I was in operations, we</p> <p>13 actually had a file room with the files in</p> <p>14 there.</p> <p>15 Q. So to continue our march through</p> <p>16 your employment, where we --</p> <p>17 A. Okay.</p> <p>18 Q. -- left off was back in 2003 when</p> <p>19 you served as a sergeant on patrol.</p> <p>20 When did you leave that post?</p> <p>21 A. I think I was promoted to -- well,</p> <p>22 I know I was promoted. I think it was August</p> <p>23 of 2003 I became a lieutenant.</p> <p>24 Q. And how did the -- what was your</p> <p>25 assignment as a lieutenant?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I went -- I was, again, returned to 2 corrections. So when -- when we're promoted at 3 the jail, we're -- I'm sorry, at the sheriff's 4 office, we generally go back to the jail for 5 reassignment, for training purposes, and 6 learning how to do the -- do the job again. So 7 I went -- I went back as a jail shift 8 commander, worked midnight shifts for 13 9 months.</p> <p>10 Q. What was the nature of your 11 responsibilities as a jail manager?</p> <p>12 A. So I would -- I would do the daily 13 schedule of the deputies that come in to work 14 every day. I would do the sergeant schedule as 15 well, schedule them where they need to be, 16 approve days off, accept or deny inmates that 17 came into the jail.</p> <p>18 You know, an off- -- an officer or 19 deputy would drop off an inmate with commitment 20 papers, and I would look at the paperwork and 21 say, "Yes, we can take this person," or, "No, 22 we can't take it." Make sure that's happening. 23 Basically, when you're the lieutenant, you're 24 in charge of the entire jail for that shift.</p> <p>25 Q. In what circumstances would you</p>	<p style="text-align: right;">Page 68</p> <p>1 But usually what they'll do is 2 they'll take the inmate to the -- to a hospital 3 to be checked out. We would get a sheet from 4 the hospital that says this person's okay. 5 They would come back to our jail. Our nursing 6 staff would look at the inmate, examine him in 7 again at the booking window and say, "Okay, we 8 can take them now."</p> <p>9 Q. Are they ever turned way to be sent 10 to another correctional facility?</p> <p>11 A. No. I mean, we're a jail. If it's 12 an appropriate charge and we can medically 13 handle their situation, we're going -- we're 14 going to take them.</p> <p>15 Q. What about an individual charged 16 with a misdemeanor who's inappropriately sent 17 to a Summit County facility; where are they 18 sent?</p> <p>19 MR. LEDLIE: Object to the form of 20 the question.</p> <p>21 A. We would send them back with the 22 arresting agency, and whatever they did with 23 them would be up to that agency.</p> <p>24 Q. During your experience as a jail 25 manager in the period 2003 to 2004, do you</p>
<p style="text-align: right;">Page 67</p> <p>1 turn away an inmate who was dropped off with 2 commitment papers?</p> <p>3 A. There's -- there's several reasons 4 we -- we may refuse a prisoner. It may not be 5 an appropriate charge. It may be something we 6 don't take, because we're -- we're kind of a 7 felony-only jail at this point in time.</p> <p>8 If it's a minor misdemeanor, we're 9 not going to take. If it's somebody that has a 10 medical condition that our nursing staff who's 11 on -- we have nursing staff in the building 12 24/7. They would come down and talk to the 13 inmate, and -- and if it's something that we 14 can't handle, they would refuse that person for 15 that instance.</p> <p>16 Usually, it's medical refusals or 17 an inappropriate charge that the refusal is 18 made for.</p> <p>19 Q. If you turn away an inmate, where 20 do they go?</p> <p>21 A. So if we turn an inmate away, let's 22 just say for a medical reason, the arresting 23 agency would take that -- they could do a 24 couple things. They can go -- they can choose 25 to do a summons and release the inmate.</p>	<p style="text-align: right;">Page 69</p> <p>1 recall what proportion of the Summit County 2 inmate population had been charged with a 3 dru- -- drug-related crime?</p> <p>4 A. Don't know the exact amount. I 5 know that it was -- a lot of the cases that 6 came in were -- were drug related.</p> <p>7 Q. Do you have any estimate of the 8 proportion of inmates who were charged with a 9 drug-related offense?</p> <p>10 A. It was --</p> <p>11 MR. LEDLIE: Object to the form of 12 the question.</p> <p>13 A. It was probably over half.</p> <p>14 Q. If we wanted to check those 15 numbers, what documents would we consult?</p> <p>16 A. You would have to go through all 17 the bookings for that time period -- we do 18 about 14,000 bookings a year -- and find out 19 what that charges are.</p> <p>20 Q. Do you have a recollection of how 21 many -- of what proportion of the inmate 22 population, again for the period 2003 to 2004, 23 was charged with a crime related to an opioid 24 drug?</p> <p>25 A. No. I would -- I would -- I would</p>

<p style="text-align: right;">Page 70</p> <p>1 not know. Again, because when they come in, 2 me, as a lieutenant at the time, would look at 3 the paperwork, and it would say "drug abuse," 4 and it would probably list the -- the degree of 5 the felony, 1 through 5. And if it was 6 something we took, we took it. I didn't 7 usually look at the narrative and see exactly 8 what -- what they were found with. 9 Q. If we wanted to determine which 10 proportion of the inmate population was charged 11 with a crime based on involvement with opioids, 12 where would we find that information? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. It would be in the original arrest 16 paperwork generated by either our deputy staff 17 or the arresting agency. It would be -- 18 probably be in the court documents. And on a 19 rare occasion, we may put something in our 20 booking notes that says what the per- -- what 21 exactly the person had. But that's not -- 22 if -- if it's an appropriate charge of drug 23 abuse, felony 3, 4, 5, or whatever it may be, 24 that's what's in our book -- that's what -- 25 that's what's in our booking stuff, not</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. LEDLIE: Object to the form of 2 the question. 3 A. I don't know that we maintain 4 anything that says this person is addicted to 5 whatever. We would have -- we would have 6 documentation that says they're charged with 7 this offense, not to the -- what they're 8 addicted to. 9 Q. You mentioned earlier that -- 10 MR. LEDLIE: We've been going a 11 little over an hour, so when we can take a 12 break and -- 13 MS. WU: Oh, sure. Let me just 14 finish this question and then happy to take a 15 break. 16 Q. You mentioned a few moments ago 17 that there are instances in which you turned 18 away an inmate who was brought to a Summit jail 19 facility. 20 Were there ever instances in which 21 you turned away an inmate because you were 22 unable to treat addiction issues? 23 MR. LEDLIE: Object to the form of 24 the question. Not a medical expert. 25 A. So we would turn them away because</p>
<p style="text-align: right;">Page 71</p> <p>1 usually -- not always, but not usually the type 2 of drug that they had. 3 Q. Again, for the period 2003 to 2004, 4 do you recall instances in which you were 5 called upon to deal with inmates who suffered 6 from addiction? 7 A. I don't remember how many times 8 that that happened. That would have -- you 9 know, I was a -- I was a lieutenant in the jail 10 in charge of, really, the security of it. 11 Their treatment of addictions and things like 12 that was really out of my realm of authority. 13 Q. Do you have any knowledge of how 14 many of the inmates during the period -- or 15 what proportion of the inmat- -- inmates during 16 the period 2003 to 2004 suffered from 17 addiction? 18 MR. LEDLIE: Object to the form of 19 the question. 20 A. No, I -- I would not know how many 21 suffered from addiction. 22 Q. Do you know of any documents that 23 we could look at in order to determine what 24 proportion of the inmate population suffered 25 from addiction?</p>	<p style="text-align: right;">Page 73</p> <p>1 the condition that they had, whatever it may 2 have been -- addiction wouldn't be an -- an 3 issue, because there can be addictions for a 4 lot of things. And if it -- if we could keep 5 them healthy and safe in the jail, we're -- 6 we're going to take them. 7 MS. WU: Okay. I'm happy to take a 8 break now. 9 THE WITNESS: Okay. 10 THE VIDEOGRAPHER: Off the record 11 at 10:03 a.m. 12 (A recess was taken) 13 THE VIDEOGRAPHER: Back on the 14 record at 10:27 a.m. 15 BY MS. WU: 16 Q. Captain Barker, are you ready to 17 resume? 18 A. Yes. 19 Q. So prior to the break, we were 20 marching through your tenure with the sheriff's 21 department. I believe that we left off in 2004 22 when you were a sergeant assigned as a jail 23 manager; is that right? 24 A. 2004? 25 Q. Yes.</p>

<p style="text-align: right;">Page 74</p> <p>1 A. Actually, I was a lieutenant, as a 2 shift commander. 3 Q. Oh, I'm sorry. 4 A. That's okay. 5 Q. Lieutenant and shift commander. 6 A. Yeah. 7 Q. Okay. What was your next 8 assignment? 9 A. Sometime in 2004 -- it was the 10 summertime, July, August -- I was transferred 11 back out to the patrol bureau as a -- as a 12 lieutenant. 13 Q. How long did you serve as a 14 lieutenant on patrol? 15 A. From the summer of 2004 until 16 January of 2011. 17 Q. What was the nature of your 18 responsibility as a lieutenant on patrol? 19 A. I was one of two lieutenants 20 assigned to the bureau. I worked 8p to 4a, and 21 I was out on -- out on the road with the 22 sergeants and the deputies handling calls, and 23 supervised anything that needed to be taken 24 care of. 25 Q. Did you have any specific</p>	<p style="text-align: right;">Page 76</p> <p>1 we're starting to see more pills on the road. 2 Q. When you say pills, what particular 3 types of pills are you referencing? 4 A. Oxycodone seems to be one always 5 sticking out in my mind, and we talked about 6 the burglaries and that type of stuff. 7 Q. Where would we look to identify 8 events involving oxycodone during this period, 9 2007 to 2008, that you've just referenced? 10 MR. LEDLIE: Object to the form of 11 the question. 12 You can answer. 13 A. Not real sure where you could look 14 other than going through our incident reports 15 from that time frame. 16 Q. Are there any other pills, other 17 than oxycodone, that you recall encountering 18 during this time period? 19 A. I don't have any recollection of 20 other than that. 21 Q. What was the nature of the law 22 enforcement encounters involving oxycodone 23 during this period, 2008 to 2009? 24 MR. LEDLIE: Object to the form of 25 the question.</p>
<p style="text-align: right;">Page 75</p> <p>1 responsibilities related to drug law 2 enforcement? 3 A. No. We were -- nothing -- nothing 4 specific. We were patrol. That's all we did. 5 Q. Do you recall about -- during this 6 period, 2004 to 2011, do you recall about how 7 many law enforcement encounters you attended a 8 week that related to drugs? 9 A. Not the exact number, but I would 10 say that I probably went to the scene of one or 11 two per shift, again working five days a week. 12 Q. Is that an increase or a decrease 13 from the number of law enforcement encounters 14 involving drugs that you had participated in in 15 your previous stints on patrol? 16 A. No, it seemed it was pretty 17 consistent. Consistent then. 18 Q. What were the types of drugs 19 involved in the law enforcement encounters in 20 which you participated during this period, 2004 21 to 2011? 22 A. 2004, early in my assignment as a 23 lieutenant out there, it was still seeing 24 marijuana and cocaine-type stuff. And then as 25 I started to progress in the years, 2007, 2008,</p>	<p style="text-align: right;">Page 77</p> <p>1 A. We were starting to see pills that 2 were being stolen, started to see more of that 3 on -- when I was assigned to the patrol 4 division as a lieutenant. 5 Q. From what sources were pills -- and 6 I believe you mean oxycodone -- being stolen? 7 A. They would get them from family 8 members. They would steal them in the course 9 of a -- of a burglary, from pharmacies, things 10 were being taken. A variety of places where 11 people would try to dig up the pills. 12 Q. Were you personally involved in 13 investigating the reasons for an increase in 14 the number of law enforcement encounters 15 involving oxycodone during this period, 2008 to 16 2009? 17 A. No, that wouldn't have been my 18 assignment. It was to supervise the ongoing 19 situation on the road at the time. 20 Q. Do you know if the Summit County 21 Sheriff's Department undertook any efforts to 22 investigate the reasons for the increase in the 23 number of law enforcement encounters involving 24 oxycodone during this period, 2008 to 2009? 25 MR. LEDLIE: Object to the form of</p>

<p style="text-align: right;">Page 78</p> <p>1 the question.</p> <p>2 A. I was never assigned to the -- the</p> <p>3 drug unit, and I just -- other than hearing</p> <p>4 things, I know that we were looking into it,</p> <p>5 but I -- I was never involved in that type of</p> <p>6 stuff.</p> <p>7 Q. When you say "we were looking into</p> <p>8 it," what are you referencing?</p> <p>9 A. Looking into the -- the thefts of</p> <p>10 the pills that we were coming across.</p> <p>11 Q. Who was responsible for</p> <p>12 investigating the thefts of pills that you were</p> <p>13 coming across?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question. Asked and answered.</p> <p>16 A. It would have been our detective</p> <p>17 bureau and our drug unit.</p> <p>18 Q. Do you know the findings of those</p> <p>19 investigations?</p> <p>20 A. No, I do not.</p> <p>21 Q. When you were involved in law</p> <p>22 enforcement encounters involving oxycodone</p> <p>23 during this period, 2008 to 2009, did you ever</p> <p>24 ask the -- the individuals involved why they</p> <p>25 stole the oxycodone?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. I don't know how many occasions. I</p> <p>2 just know that it's -- it's a lot. In my --</p> <p>3 the course of my -- been in -- been in the jail</p> <p>4 since 2011. In that time frame, I hear it a</p> <p>5 lot.</p> <p>6 Q. Do you know -- could you describe</p> <p>7 for me the last instance in which an inmate</p> <p>8 described to you a motivation to steal pills</p> <p>9 because he no longer was able to obtain</p> <p>10 prescription drugs from a physician?</p> <p>11 A. So when -- maybe a year ago, I took</p> <p>12 a -- so inmates will submit what's called a</p> <p>13 "kite." It's a request for assistance. And</p> <p>14 sometimes it will make it up to me, and I'll go</p> <p>15 down and talk to them. And just in the course</p> <p>16 of it, they will say that -- they'll, you know,</p> <p>17 relate to you that they were trying to get</p> <p>18 pills or something and they couldn't do it, and</p> <p>19 they were trying to get money for pills and</p> <p>20 they would, you know, go burglarize or steal</p> <p>21 something to get money for the pills. It's</p> <p>22 just -- it's a -- and it seems to be a</p> <p>23 reoccurring theme.</p> <p>24 Q. So the -- what do you recall about</p> <p>25 the instance in which an inmate described to</p>
<p style="text-align: right;">Page 79</p> <p>1 A. No, I was -- wasn't really aware</p> <p>2 what was happening at that -- at that time in</p> <p>3 my career.</p> <p>4 Q. And when you say you weren't aware</p> <p>5 what was happening at that time, what are you</p> <p>6 referring to?</p> <p>7 A. I -- I was aware that pills were</p> <p>8 being stolen, but I wasn't aware of the -- I</p> <p>9 didn't have the knowledge I have now back then.</p> <p>10 Q. What's the knowledge that you have</p> <p>11 now of prescription opioids that you didn't</p> <p>12 have back in 2008, 2009?</p> <p>13 A. So in my routine now as -- as the</p> <p>14 administrative captain of Summit County Jail,</p> <p>15 I -- I do have a chance to talk to inmates on</p> <p>16 occasion, and they will tell me that they were</p> <p>17 st- -- starting to steal pills years ago</p> <p>18 because they couldn't get them as readily as</p> <p>19 they used to be able to get them from their</p> <p>20 doctors and such.</p> <p>21 Q. On how many occasions has an inmate</p> <p>22 described to you a motivation to steal pills,</p> <p>23 to use your words, because they couldn't get</p> <p>24 those as readily as they -- as they used to get</p> <p>25 them from their doctors?</p>	<p style="text-align: right;">Page 81</p> <p>1 you a desire to commit a crime to obtain drugs,</p> <p>2 including oxycodone, a year ago? What do you</p> <p>3 recall about that conversation?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. Don't really remember the specifics</p> <p>7 of the case. I just know that this particular</p> <p>8 inmate, we were talking about an issue he was</p> <p>9 having in the jail. I don't exactly know the</p> <p>10 exact issue, but we began -- he would just tell</p> <p>11 me that a lot of the stuff that led up to where</p> <p>12 he was at was thefts, involved to get money</p> <p>13 to -- for his habit.</p> <p>14 Q. Do you recall on what charge this</p> <p>15 inmate, what charge brought that inmate to the</p> <p>16 Summit County Corrections facility?</p> <p>17 A. No, I -- I didn't look it up.</p> <p>18 Q. Do you recall the name of the</p> <p>19 inmate with whom you had this conversation?</p> <p>20 A. No, I don't.</p> <p>21 Q. Do you recall if you undertook any</p> <p>22 investigation of whether that inmate, in fact,</p> <p>23 had ever received a valid prescription for an</p> <p>24 opioid drug?</p> <p>25 MR. LEDLIE: Object to the form of</p>

<p style="text-align: right;">Page 82</p> <p>1 the question.</p> <p>2 A. I did not look into that.</p> <p>3 Q. Do you know if that individual</p> <p>4 received any drug rehabilitation treatment</p> <p>5 during his time at a Summit County Corrections</p> <p>6 facility?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. No, I do not.</p> <p>10 Q. When is the last time, prior to</p> <p>11 that, that an inmate described to you a</p> <p>12 motivation to commit a criminal act due to a</p> <p>13 inability to obtain opioids from a physician?</p> <p>14 A. I don't know the exact time frame,</p> <p>15 but as my duties have changed in the jail and I</p> <p>16 have, you know, less and less interaction with</p> <p>17 the inmates, I get it from -- from -- I get</p> <p>18 that information from staff. And when I do</p> <p>19 have the opportunity to talk to an inmate,</p> <p>20 several of them in the last few years have told</p> <p>21 me that this is what -- this is why they're in</p> <p>22 the situation that they're in.</p> <p>23 Q. In the last five years, on how many</p> <p>24 occasions has an inmate described to you a</p> <p>25 motivation to commit a criminal act due to an</p>	<p style="text-align: right;">Page 84</p> <p>1 information?</p> <p>2 A. I would think you would have to go</p> <p>3 through their -- their medical records with</p> <p>4 their physicians.</p> <p>5 Q. Do you have access to a database</p> <p>6 called OARRS?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you know if any members of the</p> <p>9 sheriff's department have access to a database</p> <p>10 calls OARRS?</p> <p>11 A. I do not know.</p> <p>12 Q. So we were talking about the period</p> <p>13 2004 to 2011. What was the nature of the</p> <p>14 change in your duties in 2011?</p> <p>15 A. In January 2011, I was promoted to</p> <p>16 the rank of captain and reassigned to the</p> <p>17 corrections division, where I've been since</p> <p>18 then.</p> <p>19 Q. And what are the nature -- what is</p> <p>20 the nature of your role as captain in the</p> <p>21 corrections division?</p> <p>22 A. Currently, I'm the -- one of -- I'm</p> <p>23 the administrative captain assigned to the</p> <p>24 jail. Contracted services, which would be</p> <p>25 medical and mental health, food services,</p>
<p style="text-align: right;">Page 83</p> <p>1 inability to obtain prescription opioids from a</p> <p>2 physician?</p> <p>3 MR. LEDLIE: Object to the form of</p> <p>4 the question.</p> <p>5 A. I don't know the exact number, but</p> <p>6 I know it's been several times I've heard that.</p> <p>7 Q. More than five?</p> <p>8 A. Yes.</p> <p>9 Q. More than 10?</p> <p>10 A. Yes.</p> <p>11 Q. More than 20?</p> <p>12 A. Probably not.</p> <p>13 Q. Do you have any information</p> <p>14 concerning the number of inmates who have ever</p> <p>15 received a valid prescription for an opioid</p> <p>16 drug?</p> <p>17 MR. LEDLIE: Object to the form of</p> <p>18 the question. Outside the scope of his</p> <p>19 employment.</p> <p>20 A. Yeah, I -- I would not know the</p> <p>21 answer to that question.</p> <p>22 Q. If we wanted to determine the</p> <p>23 medical history of an inmate in order to screen</p> <p>24 for a history of prescription opioid use, do</p> <p>25 you know where we could look for that</p>	<p style="text-align: right;">Page 85</p> <p>1 report to me. I handle some of the</p> <p>2 administrative duties with going to different</p> <p>3 meetings, different boards I'm on. It's</p> <p>4 more -- much more of an administrative position</p> <p>5 that I have now.</p> <p>6 Q. What are the boards on which you</p> <p>7 serve?</p> <p>8 A. I'm a member of the Jail Oversight</p> <p>9 Advisory Commission.</p> <p>10 I'm a member of Ohio Jail Advisory</p> <p>11 Board, and we meet once a quarter in Columbus.</p> <p>12 When there's ADM Board meetings, I</p> <p>13 sometimes act as the representative to that.</p> <p>14 I'm on the Information -- I'm the</p> <p>15 sheriff's representative to the Information</p> <p>16 Technology Commission to the county.</p> <p>17 That's about all I can remember</p> <p>18 right now. And whether -- whatever else they</p> <p>19 may ask me to go to.</p> <p>20 Q. What is the nature of your</p> <p>21 involvement with the ADM Board?</p> <p>22 A. The ADM Board supplies our mental</p> <p>23 health. They pay for our mental health</p> <p>24 provider, who is Summit Psychological. When</p> <p>25 there's an ADM Board meeting, if I can't go,</p>

<p style="text-align: right;">Page 86</p> <p>1 I'll send a representative, but I -- I go to 2 the meetings that talk about mental health 3 issues and drug-related issues throughout the 4 county. 5 Q. Is it the case that the ADM Board 6 funds the mental health services provided by 7 the corrections division? 8 A. They fund the mental health 9 services that are provided through Summit 10 Psychological Services, yes. 11 Q. Do you have any responsibilities 12 for the budget for Summit County Corrections? 13 A. No, I do not. 14 Q. Who has those responsibilities? 15 A. That would be our fiscal division 16 downtown, the fourth floor. I believe Pam 17 Murray is in charge of that. 18 Q. Do you provide Ms. Murray with any 19 information related to the needs of the 20 corrections division for budget purposes? 21 A. Yes, I do. 22 Q. What is the nature of your 23 responsibilities for providing budget 24 information to Ms. Murray? 25 A. So once a year, we'll be asked for</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. What is Inspector Holland's role in 2 the sheriff's department? 3 A. He's the actual jail commander, so 4 he has all the -- the ultimate authority over 5 the jail. 6 Q. For what period of time have you 7 reported to Inspector Holland? 8 A. It's been about two years. 9 Q. Prior to that, to whom did you 10 report directly? 11 A. Major Dale Soltis. 12 Q. What was Major Dale Soltis's 13 position within the sheriff's department? 14 A. He started out as the major that 15 was reporting to a chief at the time, Greg 16 Macko. And then when Chief Macko retired two 17 years after taking the position, Major Soltis 18 took over as the jail commander, and I was his 19 administrative captain. 20 Q. In your current role in 21 corrections, do you have any specific 22 responsibility for drug enforcement? 23 A. No, I do not. 24 Q. Do you have any specific 25 responsibilities for providing addiction</p>
<p style="text-align: right;">Page 87</p> <p>1 capital improvement, what -- what we need to 2 make the jail run more efficiently. And I 3 will -- me and the other supervisors in the 4 jail will get her a list of things that we'd 5 like to see done -- done or brought into the 6 facility. 7 Q. How do you identify the budgetary 8 needs for the corrections division? 9 A. I don't really deal with the -- the 10 budget. I'll ask for a personnel request and 11 it will be granted or denied. Or I'll ask for 12 a piece of equipment, and it will be granted or 13 denied. I don't really deal with the money 14 issues, per se. 15 Q. When you make a request for 16 personnel or equipment, in what form do you 17 submit that request? 18 A. Usually, it's -- it would be by 19 e-mail. 20 Q. Is that an e-mail submitted to 21 Ms. Murray? 22 A. Yes, and it may be submitted up to 23 my direct supervisor, as well. 24 Q. Who's your direct supervisor? 25 A. Inspector William Holland.</p>	<p style="text-align: right;">Page 89</p> <p>1 treatment services? 2 A. No, I do not. 3 Q. Does anyone have those 4 responsibilities? 5 A. That -- those types of things would 6 be through our detective bureau or the line 7 staff, if there's some type of narcotic issue 8 in the jail. And then the mental health 9 services would handle the addiction issues. 10 But it's -- we don't do a lot of that. 11 Q. Do you have responsibility -- 12 oversight responsibility for the mental health 13 services provided within the corrections 14 system? 15 A. Yes. 16 THE VIDEOGRAPHER: Excuse me. I'm 17 sorry. Ms. Wu, I think you're covering your 18 microphone. 19 MS. WU: Oh. 20 THE VIDEOGRAPHER: Thank you. 21 Q. What is the nature of your 22 responsib- -- oversight responsibility for the 23 mental health services provided within the 24 corrections system? 25 A. So the mental health supervisor</p>

<p style="text-align: right;">Page 90</p> <p>1 reports to me, and I kind of act as a 2 go-between, between her staff that's in the -- 3 in the building, and the security staff, which 4 are the deputies in the building, and make sure 5 that they are both doing what they need to 6 complete their job assignments. 7 Q. And the mental health supervisor 8 has direct responsibility for addiction 9 treatment within the correction facilities; is 10 that right? 11 A. You know, I -- I really don't know 12 that it -- it's specifically her 13 responsibility. I know that her people will 14 talk -- her staff will talk to the inmates 15 about it. But I don't think that they actually 16 have specific programs. We're not -- we're not 17 a treatment facility. 18 Q. Is there anyone in the corrections 19 division who has responsibility for providing 20 addiction treatment services to inmates? 21 A. No. That's not the type of 22 facility, where -- we're not a residential 23 treatment facility. That would be another 24 organization outside the jail. 25 Q. To the extent that the corrections</p>	<p style="text-align: right;">Page 92</p> <p>1 for inmates? 2 A. That was -- it was there before I 3 got there as a captain, so I -- I don't know 4 how long -- how long ago that was. 5 Q. Has the Narcotics Anonymous 6 programming been provided continuously during 7 your tenure in the corrections division? 8 A. Yes. 9 Q. Does the corrections division pay 10 for the Narcotics Anonymous programming 11 provided to inmates? 12 MR. LEDLIE: Object to the form of 13 the question. 14 A. Yeah, I'm not sure how the 15 budgetary issues work with that, who provides 16 that. 17 Q. What staff provides the Narcotics 18 Anonymous programming to inmates? 19 A. The mental health staff. 20 Q. Is there any outside provider that 21 participants in the Narcotics Anonymous 22 programming? 23 A. If -- if there is, I'm not aware of 24 it. 25 Q. Do you have any -- in your current</p>
<p style="text-align: right;">Page 91</p> <p>1 division provides addiction services, they're 2 provided by the mental health staff; is that 3 correct? 4 MR. LEDLIE: Object to the form of 5 the question. 6 A. Not exactly sure what the mental 7 health, when they talk to the inmates one on 8 one, what they provide them. I just know that 9 they counsel them on numerous issues. 10 Q. Currently, so in 2018, is there any 11 addiction treatment programming available to 12 Summit County inmates? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. There is a once-a-week Narcotics 16 Anonymous that we provide, and that's about it. 17 Q. Who's responsible for providing 18 the -- or who actually provides the Narcotics 19 Anonymous programming? 20 A. The mental health staff does it. 21 Q. And you're responsible for 22 overseeing the mental health staff, correct? 23 A. Yes. 24 Q. When did the corrections division 25 start providing Narcotics Anonymous programming</p>	<p style="text-align: right;">Page 93</p> <p>1 role, do you have any responsibilities for the 2 medical health care provided to inmates? 3 A. The medical people re- -- report to 4 me. I don't really have responsibility to the 5 inmates, but the mental -- I'm sorry, the 6 medical department reports to me. 7 Q. Do you have oversight 8 responsibility for the medical department? 9 A. Yes. 10 Q. What is the nature of your 11 responsibility with regard to oversight of the 12 medical treatment of inmates? 13 A. I will meet with the person that's 14 in charge of the contracted services. Right 15 now, it's -- it's Advanced Correctional. I'll 16 meet with her on a daily basis and make sure 17 things, much like the mental health, are 18 running smoothly, that they are getting the 19 support from the security staff to do their 20 job. 21 Q. Does the medical staff provide 22 direct care to inmates within the corrections 23 system? 24 A. Yes, they do. 25 Q. Does the Summit corrections</p>

<p style="text-align: right;">Page 94</p> <p>1 facilities maintain prescription 2 pharmaceuticals? 3 A. Yes, they do. 4 Q. Are you responsible for maintenance 5 of the pharmaceuticals on site? 6 A. No. 7 Q. Do you have any knowledge of what 8 pharmaceuticals are stocked on site? 9 A. Not specifics. I know broadly what 10 they -- what they have. 11 Q. Broadly, what do they include? 12 A. What the doctors would prescribe to 13 the inmates, blood pressure medications, 14 over-the-counter-type medications, those types 15 of things. 16 Q. Does the pharm- -- pharmacy stock 17 maintained by the corrections division include 18 drugs that fall into the opioid category? 19 MR. LEDLIE: Object to the form of 20 the question. 21 A. I don't know enough about the 22 medications that they have to answer. 23 Q. If we wanted to review the 24 inventory for medications maintained by the 25 corrections division, where would we look?</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Are you aware if the pharm- -- if 2 the corrections division maintain a pharmacy 3 license for its facilities? 4 A. Actually -- 5 MR. LEDLIE: Object to the form of 6 the question. 7 A. -- I'm not aware of that. 8 Q. You mentioned, a short while ago, 9 that you participate in a task force, which is 10 the Jail Advisory Committee; is that right? 11 A. Yeah. Let me get the acronym 12 right. Jail Oversight Advisory Commission was 13 convened in November of 2017, and I was the 14 sheriff's representative to that commission. 15 Q. What's the nature of that advisory 16 committee -- commission, that is. 17 A. When we started meeting in November 18 or December of last year, we -- we had a 19 committee of 12 to 13 people that looked at the 20 entire operations of the jail. We met about 21 every two weeks, and then we submitted a report 22 to the Summit County Council. And then us, as 23 a sheriff's office, are implementing the 24 recommendations that we thought were 25 appropriate to the jail.</p>
<p style="text-align: right;">Page 95</p> <p>1 MR. LEDLIE: Object to the form of 2 the question. Misstates testimony. 3 A. You'd probably have to talk to the 4 medical provider. 5 Q. And who's the med- -- medical 6 provider? 7 A. Yes. It would be Advanced 8 Correctional Health. 9 Q. Does Advanced Medical -- does 10 Advanced Correctional Health maintain medical 11 records within the correctional facility? 12 A. Yes, they do. 13 Q. And do you have access to those 14 medical records? 15 A. No, I do not. 16 Q. Do you have access to the pharmacy 17 inventory records maintained by Advanced 18 Correctional Health? 19 A. No, I do not. 20 Q. Do you have any responsibility for 21 maintaining the pharmacy license maintained by 22 the corrections division? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. No, I do not.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. What is the your understanding of 2 why the Jail Operations Advisory Commission was 3 convened? 4 A. It was -- county council thought 5 that they needed somebody to come in and look 6 at our operations, because we had had -- 7 recently had an in-custody death last September 8 of 2017. 9 Q. Could you describe the events 10 surrounding the in-custody death in September 11 2017? 12 A. I was out of town on -- on vacation 13 when it occurred, so I was not on scene. I did 14 read the case file, so all the -- all the 15 knowledge I have is from what I read with -- in 16 the reports. 17 Q. What is your knowledge of the 18 in-custody death that occurred in September 19 2017? 20 A. An inmate was being moved from one 21 housing unit to the other. He began a struggle 22 with our deputies. And he -- I can't really 23 remember off the top of my head what the 24 coroner's report reported, but he had some type 25 of cardiac issue that led to his death.</p>

<p style="text-align: right;">Page 98</p> <p>1 Q. Are you aware of any other 2 motivations for convening the Jail Operations 3 Advisory Commission? 4 MR. LEDLIE: Object to the form of 5 the question. 6 A. No, I -- other than my direct 7 involvement, I don't know what was -- reasons 8 for it. 9 Q. Could I have -- so I'd like to mark 10 as Exhibit 1 a document identified as 11 SUMMIT_001773045. 12 - - - - - 13 (Thereupon, Deposition Exhibit 1, 14 Document Titled "Summit County Jail 15 Operations Advisory Commission 16 Report and Recommendations," 17 SUMMIT_001773045 to 001773066, was 18 marked for purposes of 19 identification.) 20 - - - - - 21 Q. Captain Barker, are you familiar 22 with Exhibit 1? 23 A. Yes, I am familiar with this. 24 Q. What is it? 25 A. This is the report that the Jail --</p>	<p style="text-align: right;">Page 100</p> <p>1 A. He didn't really have any 2 responsibilities. He -- he kind of gave that 3 all to me, but he did go to some of the 4 meetings, attend. He did have input when 5 commission members had questions, and he did 6 submit statistics. But he was more of a -- he 7 was in the audience. He didn't actually sit 8 with the commission. He wasn't empaneled. He 9 gave that authority to me. 10 Q. So if I could call your attention 11 to page 4 of the report, which -- and the Bates 12 number, which is the number at the very bottom, 13 ends 3048. 14 A. Executive summary? 15 Q. Correct. If I can call your 16 attention to the second sentence, it reads, 17 "Due to limited financial resources, the opiate 18 crisis, and the increased state funding cuts, 19 operations at the jail have become increasingly 20 strained." 21 Do you see that, Captain Barker? 22 A. I do see that. 23 Q. Do you have an understanding of the 24 reference to opiate crisis? 25 A. Yes, I'm somewhat familiar with</p>
<p style="text-align: right;">Page 99</p> <p>1 Jail Operations Advisory Commission submitted 2 to Summit County Council. 3 Q. And this report was submitted in 4 August 2018, correct? 5 A. That is correct. 6 Q. Were you involved in the drafting 7 of this report? 8 A. Yes, I did help with the draft of 9 this report. 10 Q. Are there any particular aspects of 11 this report for which you had direct 12 responsibility? 13 A. So we were broken up into three 14 subcommittees. I was on the Use of Force & 15 Jail Conditions subcommittee, and this page 17 16 looks like real close to what I submitted as my 17 part to the -- the commission. 18 Q. Is it correct that you served as 19 Sheriff Barry's designee to the commission? 20 A. Yes, that's correct. 21 Q. Did Sheriff Barry himself have any 22 direct involvement in the commission? 23 A. Yes, he did. 24 Q. How did you split responsibilities 25 with Sheriff Barry?</p>	<p style="text-align: right;">Page 101</p> <p>1 what they're talking about. 2 Q. What's your understanding? 3 A. That there has been a large spike 4 in the amount of prescription medications that 5 are being prescribed, and in the last seven, 6 eight, ten, twelve years, something like that, 7 there's been an increase, and we're starting to 8 see overdoses on it and related deaths to it. 9 Q. Is it your understanding that the 10 reference to opiate crisis, as used here in 11 Exhibit 1, is limited to prescription 12 medications? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. It's -- I think it's related to all 16 opiates. 17 Q. What is your understanding of the 18 class of drugs that falls into the description 19 of opiate as used here in Exhibit 1? 20 A. Those -- from my understanding it's 21 those drugs that derived from poppy plant and 22 chemical compounds that relate to that, like 23 fentanyl. 24 Q. What other drugs would fall into 25 the definition of opiate as used in Exhibit 1?</p>

<p style="text-align: right;">Page 102</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question.</p> <p>3 A. I don't know enough about the --</p> <p>4 the medical and chemical technology to know all</p> <p>5 the things that would be inside there.</p> <p>6 Q. As used in Exhibit 1, does "opiate</p> <p>7 crisis" refer to opiates, including street</p> <p>8 drugs?</p> <p>9 MR. LEDLIE: Object to the form of</p> <p>10 the question.</p> <p>11 A. It refers to all of them.</p> <p>12 Q. It refers to prescription and</p> <p>13 non-prescription drugs?</p> <p>14 A. Yes.</p> <p>15 Q. And you -- do you share the view</p> <p>16 that there is an opiate crisis in Summit</p> <p>17 County?</p> <p>18 A. I do.</p> <p>19 Q. How would you describe the opiate</p> <p>20 crisis?</p> <p>21 A. In my capacity in administrative</p> <p>22 captain at the jail and some of my time in</p> <p>23 patrol, I started to see more and more of these</p> <p>24 types of behaviors that were leading to</p> <p>25 overdoses, people trying to bring opiate-type</p>	<p style="text-align: right;">Page 104</p> <p>1 A. From 1994 up until probably 2008,</p> <p>2 2010, sometime in that time frame.</p> <p>3 Q. Has there ever been any other type</p> <p>4 of drug crisis in Summit County?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the quest- -- the question, sorry.</p> <p>7 A. Not that I'm aware of.</p> <p>8 Q. In your opinion, has there ever</p> <p>9 been a meth crisis in Summit County?</p> <p>10 A. No.</p> <p>11 Q. In your opinion, has there ever</p> <p>12 been a crack or cocaine crisis in Summit</p> <p>13 County?</p> <p>14 A. No.</p> <p>15 MR. LEDLIE: Object to the form of</p> <p>16 the question.</p> <p>17 Q. So if we go back to the second</p> <p>18 sentence, there's -- it says due to limited</p> <p>19 financial resources.</p> <p>20 How do you understand the reference</p> <p>21 to limited financial resources?</p> <p>22 A. So 2009, we laid off substantial</p> <p>23 amount of deputy staff, upwards of 40, probably</p> <p>24 35 civilian staff in the jail. And we really</p> <p>25 haven't recovered from that, those layoffs.</p>
<p style="text-align: right;">Page 103</p> <p>1 stuff into the facility. It's just been an</p> <p>2 on- -- ongoing battle the last ten years or so.</p> <p>3 Q. When do you believe the opiate</p> <p>4 crisis began?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the question.</p> <p>7 A. I don't know. Ten, twelve years</p> <p>8 ago.</p> <p>9 Q. Was there ever a time that there</p> <p>10 was not an opiate crisis in Summit County?</p> <p>11 A. Probably before the time frame that</p> <p>12 I became a lieutenant out on the road.</p> <p>13 Q. And could you remind me what year</p> <p>14 you became a lieutenant?</p> <p>15 A. Went out to the road as a</p> <p>16 lieutenant from 2004 to 2011.</p> <p>17 Q. Was there ever a time, in your</p> <p>18 experience, that heroin was not a problem in</p> <p>19 Summit County?</p> <p>20 A. The time that I spent as a deputy</p> <p>21 and sergeant and part of the time as a</p> <p>22 lieutenant, we weren't seeing a lot of -- a lot</p> <p>23 of that stuff on the street.</p> <p>24 Q. And during what time period are you</p> <p>25 referencing your time as a deputy and sergeant?</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. What caused the layoffs in 2009?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 A. I don't know enough about the --</p> <p>5 the budget. The money wasn't there.</p> <p>6 Q. Did the layoffs in 2009 have any</p> <p>7 relationship to the opiate crisis identified</p> <p>8 here in Exhibit 1?</p> <p>9 MR. LEDLIE: Object to the form of</p> <p>10 the question.</p> <p>11 A. I don't know.</p> <p>12 Q. Was there an opiate crisis in</p> <p>13 Summit County in 2009?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I don't know the exact time frame</p> <p>17 that it would have started.</p> <p>18 Q. How would we determine when the</p> <p>19 opiate crisis in Summit County started?</p> <p>20 MR. LEDLIE: Object to the form of</p> <p>21 the question.</p> <p>22 A. I -- I don't know.</p> <p>23 Q. Are there any documents that we</p> <p>24 could consult in order to identify the onset of</p> <p>25 the, quote-unquote, opiate crisis in Summit</p>

<p style="text-align: right;">Page 106</p> <p>1 County?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 You can answer.</p> <p>5 A. Start looking at the arrests.</p> <p>6 Q. What specific documents would we</p> <p>7 need to consult in order to identify arrests</p> <p>8 involving opioid drugs?</p> <p>9 A. Court documents. Incident reports.</p> <p>10 Q. Are there -- have you looked at</p> <p>11 those documents as the basis for forming your</p> <p>12 opinion that there is an opiate crisis in</p> <p>13 Summit County?</p> <p>14 A. It's part of what I looked at.</p> <p>15 It's a small part of what I've lived for the</p> <p>16 last ten years.</p> <p>17 Q. What else forms the basis of your</p> <p>18 opinion that there is an opiate crisis in</p> <p>19 Summit County?</p> <p>20 A. The way they see the inmate</p> <p>21 population changing, the way I saw the</p> <p>22 incidents on the road changing, what I see --</p> <p>23 what I see and hear that my staff tells me is</p> <p>24 changing. It's been an ongoing -- can't figure</p> <p>25 the word I'm looking for, but it's just -- it</p>	<p style="text-align: right;">Page 108</p> <p>1 medical records that the medical provider</p> <p>2 keeps.</p> <p>3 Q. Are those individual patient files?</p> <p>4 A. Yes, they are.</p> <p>5 Q. If we wanted to know -- do you know</p> <p>6 what proportion of the inmate population has</p> <p>7 used opioid drugs within the last year?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 A. No, I just know it's a lot.</p> <p>11 Q. How do you know it's a lot?</p> <p>12 A. By talking to staff and talking to</p> <p>13 inmates and going to meetings that we discuss</p> <p>14 things like this, talking to other jail</p> <p>15 commanders that I know. It's just -- it's what</p> <p>16 I deal with on a day-to-day basis.</p> <p>17 Q. Do you know what proportion of the</p> <p>18 inmate population, for any other year, used</p> <p>19 opioid drugs?</p> <p>20 MR. LEDLIE: Object to the form of</p> <p>21 the question.</p> <p>22 A. No, I do not.</p> <p>23 Q. If we wanted to find that</p> <p>24 information, where would we look?</p> <p>25 A. Have to be court documents and</p>
<p style="text-align: right;">Page 107</p> <p>1 has been a change in the last 10 to 12 years.</p> <p>2 Q. What are the changes that you've</p> <p>3 observed in terms of the inmate population?</p> <p>4 A. We're starting to -- we have been</p> <p>5 seeing, for a long time, health-related issues</p> <p>6 to withdrawal when they come into the jail.</p> <p>7 They're being treated a lot more for -- when</p> <p>8 they come to the jail, they -- they don't have</p> <p>9 access to -- to the opiates, and they're going</p> <p>10 through withdrawal symptoms, and it causes</p> <p>11 them -- causes us -- we have to give them more</p> <p>12 medical care.</p> <p>13 Q. Do you know what proportion of the</p> <p>14 inmate population has manifested withdrawal</p> <p>15 symptoms related to opioid use within the last</p> <p>16 year?</p> <p>17 A. No, I do not.</p> <p>18 Q. Do you know what proportion of the</p> <p>19 inmate population has manifested withdrawal</p> <p>20 symptoms related to opioid use for any other</p> <p>21 year?</p> <p>22 A. No, I do not.</p> <p>23 Q. If we wanted to obtain that</p> <p>24 information, where would we look?</p> <p>25 A. Probably have to look through the</p>	<p style="text-align: right;">Page 109</p> <p>1 reports.</p> <p>2 Q. Are there specific documents that</p> <p>3 we'd need to consult in order to identify the</p> <p>4 type -- types of drugs used by inmates at the</p> <p>5 Summit County correctional facilities?</p> <p>6 MR. LEDLIE: Object to the form of</p> <p>7 the question.</p> <p>8 A. Have to look at the -- read the</p> <p>9 narratives of the reports.</p> <p>10 Q. And which reports are you</p> <p>11 referencing there?</p> <p>12 A. Incident reports that are generated</p> <p>13 in the -- in the county.</p> <p>14 Q. Do you have knowledge of how -- of</p> <p>15 what proportion of the Summit County inmate</p> <p>16 population, during the last year, ever received</p> <p>17 a valid prescription for an opioid drug?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question. He's not a medical expert. He's</p> <p>20 a fact witness.</p> <p>21 A. Yeah, I would not have that</p> <p>22 information.</p> <p>23 Q. Do you have knowledge of what</p> <p>24 proportion of the Summit County inmate</p> <p>25 population ever received a valid prescription</p>

<p style="text-align: right;">Page 110</p> <p>1 for an opioid drug for any year?</p> <p>2 MR. LEDLIE: Object to the form.</p> <p>3 The same objection.</p> <p>4 A. No, I do not.</p> <p>5 Q. Do you know how we could obtain</p> <p>6 that information if we wanted to check?</p> <p>7 MR. LEDLIE: The same objection.</p> <p>8 A. I do not know.</p> <p>9 Q. Why don't you track the number of</p> <p>10 inmates who use opioid drugs?</p> <p>11 MR. LEDLIE: Object to the form of</p> <p>12 the question.</p> <p>13 A. Because I'm responsible for the</p> <p>14 security of the facility. That's my -- that is</p> <p>15 my responsibility.</p> <p>16 Q. Would it allow you to improve the</p> <p>17 services at the corrections facilities if you</p> <p>18 had a better understanding of the addiction</p> <p>19 profile of the inmates in your facilities?</p> <p>20 MR. LEDLIE: Object to the form of</p> <p>21 the question. He's a fact witness.</p> <p>22 A. I don't know if it would or not. I</p> <p>23 have to maintain the security of the jail.</p> <p>24 Q. Does drug addiction of any kind</p> <p>25 impact the security of your corrections</p>	<p style="text-align: right;">Page 112</p> <p>1 more of a medical -- medical issue because of</p> <p>2 these things that we see now. So it pulls my</p> <p>3 staff away from their -- their main job of</p> <p>4 securing the jail.</p> <p>5 Q. Do you know how many instances, in</p> <p>6 the last year, an individual attempted to bring</p> <p>7 drugs into a correctional facility?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 A. I have no where -- no way of</p> <p>11 knowing the attempts of inmate, how many.</p> <p>12 Q. Do you know how -- in how many</p> <p>13 instances an individual was caught attempting</p> <p>14 to bring drugs into a correctional facility</p> <p>15 within the last year?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. I don't know the exact number, but</p> <p>19 I know it has happened.</p> <p>20 Q. Has it happened more than five</p> <p>21 times?</p> <p>22 A. Yes.</p> <p>23 Q. Has it happened more than 10 times?</p> <p>24 A. Yes.</p> <p>25 Q. Has it happened more than 20 times?</p>
<p style="text-align: right;">Page 111</p> <p>1 facilities?</p> <p>2 A. Yes.</p> <p>3 Q. How so?</p> <p>4 A. Inmates -- inmates or somebody may</p> <p>5 try to get those particular items inside the</p> <p>6 jail, and it makes it -- makes it more</p> <p>7 challenging to make sure that the jail is a</p> <p>8 secure setting for staff and inmates.</p> <p>9 Q. Are there particular security</p> <p>10 concerns related to opioid drugs that you have</p> <p>11 encountered in the Summit County Corrections</p> <p>12 facilities?</p> <p>13 A. Yes.</p> <p>14 Q. What are those?</p> <p>15 A. We're starting to see -- we have</p> <p>16 been seeing opiates being smuggled into the</p> <p>17 jail, and we've had to put equipment into place</p> <p>18 to try to combat that. We have seen inmates</p> <p>19 that are coming in that are going through</p> <p>20 withdrawal symptoms of opiate addiction, and it</p> <p>21 causes our med- -- our medical staff to treat</p> <p>22 them, and then, consequently, our security</p> <p>23 staff has to go and deal with these incidents,</p> <p>24 as opposed to actually doing their job of</p> <p>25 supervising the inmates. They're dealing with</p>	<p style="text-align: right;">Page 113</p> <p>1 A. I don't know. It'd be total</p> <p>2 speculation on my part now.</p> <p>3 Q. Do you track the number of times --</p> <p>4 the number of incidents involving an attempt to</p> <p>5 bring drugs into a Summit County Corrections</p> <p>6 facility?</p> <p>7 A. If we become aware of the attempt</p> <p>8 and we catch it, but it doesn't happen, we will</p> <p>9 track that with a report that is generated.</p> <p>10 Q. What type of report is generated?</p> <p>11 A. An incident report.</p> <p>12 Q. Is there any aggregation of the</p> <p>13 information included in those incident reports?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I don't understand what you mean by</p> <p>17 the aggregation of it.</p> <p>18 Q. Do you make any effort to track the</p> <p>19 total number of instances in which drugs are</p> <p>20 found to be attempted to be smuggled into a</p> <p>21 corrections facility?</p> <p>22 A. We do. We write the report when --</p> <p>23 when we find it occurring, but I don't actually</p> <p>24 keep, like, a log of, you know, how many times</p> <p>25 we've done it and that we've discovered it.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Would knowledge of the total number 2 of drug events -- drug attempts -- drug 3 smuggling attempts help you improve your 4 policies and procedures for maintaining the 5 security of corrections facilities? 6 MR. LEDLIE: Object to the form of 7 the question. 8 A. I don't know if it would improve it 9 at all. I don't know if it would improve it. 10 I just know that we make every effort to keep 11 it outside of the facility. 12 Q. What specific efforts have you 13 undertaken in order to keep drugs out of Summit 14 County Corrections facilities? 15 A. We've done several things. We've 16 increased staff training in the area of 17 pat-downs and detection of the stuff -- of that 18 type of items coming into the jail. We now 19 change out female prisoners as soon as they 20 come into the jail, and we now take them to the 21 showers and change them out, which pulls my 22 staff away from doing other things. We'll 23 change them, shower them, put them into jail 24 clothing. 25 August -- I believe it's August</p>	<p style="text-align: right;">Page 116</p> <p>1 discovered. 2 Q. Do you know that information for 3 any other year for -- in which you've served 4 the corrections division? 5 A. No, I do not. 6 Q. So going back to Exhibit 1, again 7 we're in the second sentence. It says, 8 "increased state funding cuts." 9 Do you have an understanding of the 10 increased state funding cuts referenced in 11 Exhibit 1? 12 A. It is my understanding, personal 13 level, that the state no longer gives the local 14 government funding that it used to, to the 15 counties and the local municipalities, so the 16 funding has been reduced on a state level. 17 Q. Do you know if the decrease in 18 funding in any way relates to the opiate crisis 19 also identified in Exhibit 1? 20 MR. LEDLIE: Object to the form of 21 the question. 22 A. I -- I don't know. 23 Q. Are you aware of any indication 24 that the budget pressures described in 25 Exhibit 1 relate to the opiate crisis as</p>
<p style="text-align: right;">Page 115</p> <p>1 2017, we bought a piece of equipment that will 2 actually scan the inmate and let us know if 3 they have anything on them or concealed inside 4 of them, so we started using that. So every 5 inmate goes through that when they're a new 6 inmate, or they come -- or they leave the jail 7 and come back. 8 Q. What proportion of drug smuggling 9 of -- attempts in the last year have involved 10 an opioid drug? 11 A. I don't know the -- the number, but 12 most of the times it's something related to 13 that. 14 Q. When you say "it's something 15 related to that," what do you mean? 16 A. It could be prescription or 17 non-prescription opioids. 18 Q. Do you know what proportion of drug 19 smuggle attempts in the last year have involved 20 a prescription opioid drug? 21 A. No. 22 Q. If we wanted to know that, where 23 would we look? 24 A. The incident reports, read the 25 narratives and find out what exactly was -- was</p>	<p style="text-align: right;">Page 117</p> <p>1 referred to in Exhibit 1? 2 MR. LEDLIE: Object to the form of 3 the question. Asked and answered. 4 A. I do not know. 5 Q. So I'd like to ask you, Captain 6 Barker, to look at page 21 of this report, 7 which has the Bates stamp ending 3065. We're 8 now looking at a section of the report titled 9 "Improving Inmate Services." 10 Are you with me, Captain Barker? 11 A. Yes, ma'am, I am. 12 Q. If we look on page 21, we see a 13 series of recommendations for improving inmate 14 services. And I'd like to call your attention 15 to the second italicized section. It reads, 16 "Recommendation. Reinstitute services like 17 Narcotics Anonymous, Alcoholics Anonymous, et 18 cetera." 19 Do you see where I've read? 20 A. Yes, I do. 21 Q. During what period of time were the 22 Narcotics Anonymous services canceled at 23 corrections facilities in Summit County? 24 A. So this -- this part of the report 25 was not written by the subcommittee that I was</p>

<p style="text-align: right;">Page 118</p> <p>1 on, so I didn't have any input into this.</p> <p>2 When the jail commission started, I</p> <p>3 gave -- I personally gave every member a tour</p> <p>4 and went through the services, and it was going</p> <p>5 on at that time. I think that somehow, in the</p> <p>6 months that the report was written, they didn't</p> <p>7 realize that we had that service, and they</p> <p>8 thought we should bring it back. Well, we</p> <p>9 already have it. The one we don't have is</p> <p>10 Alcoholics Anonymous. We don't have an AA</p> <p>11 meeting.</p> <p>12 Q. Was there ever a period in time,</p> <p>13 during which you have served at the corrections</p> <p>14 division, that the Narcotics Anonymous program</p> <p>15 was suspended?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. During what period of time was the</p> <p>18 Alcoholics Anonymous program suspended?</p> <p>19 A. I believe that happened in 2009</p> <p>20 with the layoffs, the layoff of the staff.</p> <p>21 Q. Was the Alcoholics Anonymous</p> <p>22 program ever reinstituted?</p> <p>23 A. No, it -- it was -- has not, as of</p> <p>24 yet, been reinstituted.</p> <p>25 Q. Did you have responsibility for</p>	<p style="text-align: right;">Page 120</p> <p>1 criminal justice and mental health forum to</p> <p>2 develop a plan for high utilizers."</p> <p>3 Do you see where I've read?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have an understanding of the</p> <p>6 need to increase mental health services</p> <p>7 identified on page 21?</p> <p>8 A. I have an idea of what this</p> <p>9 subcommittee was -- was discussing.</p> <p>10 Q. What is your understanding?</p> <p>11 A. That -- their belief was that --</p> <p>12 their belief was that we weren't providing --</p> <p>13 are not providing enough mental health services</p> <p>14 and that we should increase that. It -- the</p> <p>15 command staff, at the jail level, were looking</p> <p>16 into it, and right now we think we're doing</p> <p>17 as -- as best we can with what we have.</p> <p>18 Q. In your role as captain in the</p> <p>19 corrections division, do you have</p> <p>20 responsibility for the provision of mental</p> <p>21 health services to Summit inmates?</p> <p>22 MR. LEDLIE: Object to the form of</p> <p>23 the question.</p> <p>24 A. Yeah, I don't -- I don't provide</p> <p>25 it. I oversee the mental health services that</p>
<p style="text-align: right;">Page 119</p> <p>1 reviewing this report before it was issued?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Other than Narcotics Anonymous, are</p> <p>4 there any other drug treatment programs</p> <p>5 currently offered to inmates at the Summit</p> <p>6 corrections facilities?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. There are none that I know of.</p> <p>10 Q. Is the Narcotics Anonymous program</p> <p>11 provided to inmates specific to opioids?</p> <p>12 MR. LEDLIE: Object to the form of</p> <p>13 the question.</p> <p>14 A. I don't know what's covered in the</p> <p>15 meetings. I've never -- never sat on one.</p> <p>16 Q. Was Narcotics Anonymous programming</p> <p>17 offered to inmates prior to the onset of the</p> <p>18 opiate crisis you've identified in Exhibit 1?</p> <p>19 A. As far as I know, Narcotics</p> <p>20 Anonymous has been going on for years. I don't</p> <p>21 know how far back it goes.</p> <p>22 Q. Also on page 21, if we now go to</p> <p>23 the fourth italicized recommendation, it reads,</p> <p>24 "Recommendation. Increase focus on mental</p> <p>25 health services and work with the Summit County</p>	<p style="text-align: right;">Page 121</p> <p>1 are provided by Summit Psychological.</p> <p>2 Q. You have oversight responsibility</p> <p>3 for the mental health services provided to</p> <p>4 inmates, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And do you agree with the -- this</p> <p>7 recom- -- this indication that increased</p> <p>8 medical services are required?</p> <p>9 A. Medical or mental health?</p> <p>10 Q. Excuse me. Thank you, Captain</p> <p>11 Barker.</p> <p>12 A. Sorry.</p> <p>13 Q. Do you in- -- agree with this</p> <p>14 indication that an increase in mental health</p> <p>15 services is required?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. I think any increase in service</p> <p>19 that we can offer would be a good idea.</p> <p>20 Q. Is there a particular threshold for</p> <p>21 services that you think is necessary?</p> <p>22 A. Outside the realm of my expertise.</p> <p>23 I -- again, I'm in security of the jail.</p> <p>24 Q. Do mental health issues in the --</p> <p>25 in the jail cause security concerns?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Yes.</p> <p>2 Q. In what way?</p> <p>3 A. We have to treat the inmates that</p> <p>4 are going through whatever mental health issues</p> <p>5 they may have, whatever -- it -- it just, it</p> <p>6 pulls the staff that we have away from the job</p> <p>7 of doing shakedowns, securing the jail. It's</p> <p>8 making us -- it pulls staff away from other</p> <p>9 assigned duties to deal with these issues.</p> <p>10 Q. Do you believe that there's a</p> <p>11 relationship between the number of inmates who</p> <p>12 suffer from mental health issue and the number</p> <p>13 of inmates who suffer from drug addictions?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question. Outside the scope.</p> <p>16 A. I don't know anything about that.</p> <p>17 Q. Do you agree that opioid use and</p> <p>18 mental health issues often overlap?</p> <p>19 A. Yes, I would agree with that.</p> <p>20 Q. Do you know what proportion of the</p> <p>21 inmate population in Summit County in this year</p> <p>22 has a diagnosed mental health issue?</p> <p>23 A. No, I do not.</p> <p>24 Q. If we wanted to determine that,</p> <p>25 where would we -- where would we look?</p>	<p style="text-align: right;">Page 124</p> <p>1 comments to -- for this news story?</p> <p>2 A. I do recall, yes.</p> <p>3 Q. If I can call your attention to</p> <p>4 what's printed as the second page of the story,</p> <p>5 page 2 of 3.</p> <p>6 A. Okay.</p> <p>7 Q. And the fifth paragraph on this</p> <p>8 page, it reads, "He," meaning Captain Barker,</p> <p>9 "and others around the table agreed that opioid</p> <p>10 use and mental health issues often overlap, and</p> <p>11 suicides at the jail have at times been</p> <p>12 connected to addicts losing access to drugs."</p> <p>13 Do you see where I've read?</p> <p>14 A. Yes, ma'am, I do.</p> <p>15 Q. Do you believe that mental health</p> <p>16 issues overlap with the use of drugs in</p> <p>17 addition to opioids?</p> <p>18 A. I do, because we are seeing more</p> <p>19 inmates that are going through withdrawal, and</p> <p>20 consequently, we're having more inmates on what</p> <p>21 we call suicide precautions than years ago when</p> <p>22 I worked in the jail at different levels in my</p> <p>23 career.</p> <p>24 Q. Have you -- do you -- are you aware</p> <p>25 of any overlap between mental health issues and</p>
<p style="text-align: right;">Page 123</p> <p>1 A. Probably have to get with the</p> <p>2 mental health provider at the jail and -- and</p> <p>3 talk to them.</p> <p>4 Q. Are there any particular records</p> <p>5 that we could review in order to determine</p> <p>6 that?</p> <p>7 A. They -- they keep records on their</p> <p>8 inmates that they treat.</p> <p>9 Q. So, Captain Barker, I'd like to</p> <p>10 mark as Exhibit 2 a news article from the Akron</p> <p>11 Beacon Journal titled, "Summit County Jail</p> <p>12 Commission Digs Into Use of Force, Deputy</p> <p>13 Hiring, Training, Inmate Mental Health."</p> <p>14 - - - - -</p> <p>15 (Thereupon, Deposition Exhibit 2,</p> <p>16 Article Titled "Summit County Jail</p> <p>17 Commission Digs Into Use of Force,</p> <p>18 Deputy Hiring, Training, Inmate</p> <p>19 Mental Health", was marked for</p> <p>20 purposes of identification.)</p> <p>21 - - - - -</p> <p>22 Q. Captain Barker, are you familiar</p> <p>23 with Exhibit 2?</p> <p>24 A. Yes, I remember this.</p> <p>25 Q. Do you recall that you provided</p>	<p style="text-align: right;">Page 125</p> <p>1 use of drugs other than opioids?</p> <p>2 A. No, I'm not.</p> <p>3 Q. How many inmates are currently on</p> <p>4 suicide watch at the Summit County Corrections</p> <p>5 facilities?</p> <p>6 A. I wouldn't know the exact number.</p> <p>7 I can only say that I happened to work</p> <p>8 Thanksgiving Day, and we had eight people on</p> <p>9 suicide precautions that day.</p> <p>10 Q. Of the eight people on suicide</p> <p>11 precautions on Thanksgiving, do you know how</p> <p>12 many of them are addicted to drugs?</p> <p>13 A. No.</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 Q. Of the eight people on suicide</p> <p>17 watch on Thanksgiving, do you know how many of</p> <p>18 them have ever used an opioid drug?</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the question.</p> <p>21 A. No, I don't.</p> <p>22 Q. Do you know that information for</p> <p>23 any of the individuals who have been on suicide</p> <p>24 watch in the Summit County facilities?</p> <p>25 A. Other than the one or two that may</p>

<p style="text-align: right;">Page 126</p> <p>1 have caused a -- an acute problem at the jail 2 that our staff had to get involved with, and in 3 later investigation we found out that they had 4 had an opiate issue, I wouldn't know the 5 amount. 6 Q. Can you tell me more about the one 7 or two individuals that caused an acute problem 8 at the jail? 9 A. So when they're on precautions and 10 they begin to act out, whatever it may be, they 11 don't like the rules that we've imposed on them 12 or the -- the suicide precautions that is 13 imposed on them, and it -- and it develops into 14 maybe a use of force issue, an issue that we 15 have to have supervision on the scene to try 16 to, you know, quell the situation. 17 I've had a few times relate to me 18 that this person was going through withdrawal, 19 and it made them depressed and suicidal, and it 20 led to more -- more resources at the jail being 21 used to maintain the secure -- security of the 22 facility because this particular person's 23 actions. 24 Q. You refer to one or two instances 25 where withdrawal had caused an acute problem at</p>	<p style="text-align: right;">Page 128</p> <p>1 experiencing withdrawal accused -- caused acute 2 issues within the jail facilities? 3 MR. LEDLIE: Object to the form of 4 the question. 5 A. No, I -- I couldn't give you the 6 exact dates and time. I just know that when 7 things come up to me, that's the information 8 I'm getting from my line staff. 9 Q. When is the last time that 10 information came up to you, to use your terms, 11 indicating that an inmate experiencing 12 withdrawal caused an acute issue within the 13 jail facility? 14 A. Probably a couple months ago. 15 Q. What was the nature of that 16 incident? 17 A. It was an inmate that was having -- 18 going through withdrawals and was in suicide 19 precautions and didn't like those precautions, 20 and acted up, and the deputy staff had to go 21 inside and either put them in a more restrained 22 situation or -- more restrained situation or 23 use force. 24 Q. Do you know the nature of the 25 withdrawal that the inmate you're referencing</p>
<p style="text-align: right;">Page 127</p> <p>1 the jail. Could you identify about when those 2 instances occurred? 3 A. We've had a couple this year. 4 There was several last year going on. I -- 5 I -- without having the documents in front of 6 me, I wouldn't know the dates and times that it 7 occurred. 8 Q. What documents would you need to 9 review in order to know the dates and times 10 that withdrawal has caused acute issues within 11 a corrections facility? 12 A. I'd have to go back and review the 13 shift commander logs for the year in question, 14 review the reports that would be hopefully 15 mentioned in the shift commander's log and go 16 read through those. And then, if there's any 17 use of force, read the use of force report. 18 Q. You testified that there were a 19 couple of instances in which an inmate 20 experiencing withdrawal caused acute issues at 21 the jail within the last year. When is the 22 last time that occurred? 23 A. I don't know for sure. 24 Q. Do you recall any specific 25 instances in the last year when an inmate</p>	<p style="text-align: right;">Page 129</p> <p>1 experienced? 2 A. No. 3 Q. Do you know to what drugs the 4 inmate was experiencing withdrawal? 5 A. No. 6 Q. Do you know if they were opioids? 7 A. I don't know. 8 Q. When was the last time before that 9 that there was a situation in which you were 10 told an inmate's withdrawal symptoms caused an 11 acute situation within the jail facility? 12 MR. LEDLIE: Object to the form of 13 the question. 14 A. I don't know the -- the last time. 15 Q. So there's one instance within the 16 last year that you can recall in which the 17 withdrawal symptoms of an inmate caused an 18 acute situation within the jail facility? 19 MR. LEDLIE: Object to the form of 20 the question. Misstates testimony. 21 A. It's been an ongoing issue. I 22 don't know the exact dates and times for you. 23 Q. Within the last year, how many 24 inmates have experienced withdrawal symptoms? 25 MR. LEDLIE: Object to the form of</p>

<p style="text-align: right;">Page 130</p> <p>1 the question. Asked and answered.</p> <p>2 A. I don't know.</p> <p>3 Q. Where would we look to find that</p> <p>4 information?</p> <p>5 A. Incident reports and with medical</p> <p>6 and mental health records.</p> <p>7 Q. Is there anyone who tracks that</p> <p>8 information?</p> <p>9 A. I don't know if there is or not.</p> <p>10 Q. Would --</p> <p>11 THE WITNESS: Actually, can I take</p> <p>12 a break?</p> <p>13 MS. WU: I'm sorry?</p> <p>14 THE WITNESS: Can I take a break?</p> <p>15 MS. WU: Oh, yes.</p> <p>16 THE WITNESS: I don't mean to cut</p> <p>17 you off, but --</p> <p>18 MS. WU: Oh, no, that's fine.</p> <p>19 THE WITNESS: -- kind of holding it</p> <p>20 for a while.</p> <p>21 MS. WU: No, happy to do it.</p> <p>22 THE VIDEOGRAPHER: Off the record,</p> <p>23 11:32.</p> <p>24 (A recess was taken.)</p> <p>25 THE VIDEOGRAPHER: Back on the</p>	<p style="text-align: right;">Page 132</p> <p>1 A. It's all a classification issue.</p> <p>2 It has to do with their charges, their</p> <p>3 behavior, their past charges.</p> <p>4 Q. What inmates are sent to the Summit</p> <p>5 County Jail?</p> <p>6 A. The inmates that are classified</p> <p>7 appropriately for the Summit County Jail.</p> <p>8 Q. What are the classifications</p> <p>9 required for an inmate to be housed at the</p> <p>10 Summit County Jail?</p> <p>11 A. The ones that are more of a</p> <p>12 security risk would be at the Summit County</p> <p>13 Jail.</p> <p>14 Q. What qualifies an individual as a</p> <p>15 security risk?</p> <p>16 A. There's numerous things. There's</p> <p>17 an algorithm that our classification deputies</p> <p>18 use that I don't use, that -- I'm sorry, that I</p> <p>19 don't -- I'm not familiar with. It's going to</p> <p>20 be what they're charged with, if they have a</p> <p>21 violent history, if they're violent while</p> <p>22 they're in jail, they're kept at -- because the</p> <p>23 Crosier Street facility is a more secure</p> <p>24 facility.</p> <p>25 Q. What is the capacity of the Crosier</p>
<p style="text-align: right;">Page 131</p> <p>1 record at 11:47 a.m.</p> <p>2 Q. Captain Barker, before the break,</p> <p>3 we were looking at Exhibit 2. I'd like to just</p> <p>4 return to that document for a moment.</p> <p>5 On the second page where we left</p> <p>6 off, page 2 of 3, in the sixth paragraph, it</p> <p>7 reads, quote, "We used to have Alcoholics</p> <p>8 Anonymous and Narcotics Anonymous, and now we</p> <p>9 don't have the staff," end quote, "Barker</p> <p>10 said."</p> <p>11 Is it the case that the corrections</p> <p>12 facilities suspended the provision of Narcotics</p> <p>13 Anonymous?</p> <p>14 A. No. I was wrong when I said that.</p> <p>15 Q. I'd like to move on to the broader</p> <p>16 topic of jail operations in Summit County.</p> <p>17 How many facilities does Summit</p> <p>18 County Corrections have in its jurisdiction?</p> <p>19 A. We have two.</p> <p>20 Q. What are the two?</p> <p>21 A. We have the Crosier Street</p> <p>22 facility, which is the main jail, and then we</p> <p>23 have the Glenwood Jail facility.</p> <p>24 Q. How do you determine to which</p> <p>25 facility an inmate would be sent?</p>	<p style="text-align: right;">Page 133</p> <p>1 Street jail facility?</p> <p>2 A. So we -- we just increased it, and</p> <p>3 I think it's 791.</p> <p>4 Q. During your tenure in corrections,</p> <p>5 did the jail, the Crosier Street facility, ever</p> <p>6 have a lower capacity?</p> <p>7 A. Yes.</p> <p>8 Q. When was that?</p> <p>9 A. When I first got hired in, we were</p> <p>10 at 420, maybe.</p> <p>11 Q. And when were you hired in?</p> <p>12 A. In November of 1994 I became</p> <p>13 full-time deputy sheriff.</p> <p>14 Q. What accounts for the increase in</p> <p>15 capacity at the jail?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. We've added a west wing since the</p> <p>19 jail was opened up, and we've added double</p> <p>20 bunks since then.</p> <p>21 Q. What motivated the corrections</p> <p>22 division to increase capacity from 420 to 791?</p> <p>23 A. Because we didn't have the capacity</p> <p>24 to hold the inmates that we were holding. We</p> <p>25 were using cots, used our gymnasium at a couple</p>

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1 times, until we increased the bed capacity.
 2 Q. Do you know what caused the
 3 increased inmate population during the period
 4 1994 to present?
 5 MR. LEDLIE: Object to the form of
 6 the question.
 7 A. A lot of reasons.
 8 Q. What are those reasons?
 9 A. More arrests, crime going up, the
 10 opiate crisis we're seeing.
 11 Q. Have the crime -- has the incidence
 12 of crime in Summit County, in fact, increased
 13 for the -- the period 1994 to 2018?
 14 A. You know, I haven't looked at the
 15 exact FBI stats, but I can tell you that on
 16 what I do, by managing the jail, I've seen that
 17 our inmate population has increased.
 18 Q. Do you know if the number of felony
 19 drug arrests in Summit County has increased
 20 during the period 1994 to 2018?
 21 MR. LEDLIE: Object to the form of
 22 the question.
 23 A. I do not know.
 24 Q. Do you know if the drug arrests
 25 involving opioid drugs has increased during the

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1 period 1994 to 2018?
 2 A. Yes, I do. It has picked up.
 3 Q. How do you know that?
 4 A. By working in the jail the length
 5 of time that I have, by talking to the people
 6 that are housed in the jail, and by talking to
 7 people that work in the jail, including myself.
 8 I've just seen it on the rise.
 9 Q. When did the rise in the number of
 10 inmates charged with a crime involving opioids
 11 come to your attention?
 12 MR. LEDLIE: Object to the form of
 13 the question. Asked and answered.
 14 A. It's -- I don't have a specific
 15 date. It's been an ongoing issue.
 16 Q. When did you first take note of an
 17 increase in the inmate population based on
 18 charges related to opioid drugs?
 19 MR. LEDLIE: Object to the form of
 20 the question.
 21 A. It's just been something I've been
 22 noticing in the last 10 years. I can't
 23 pinpoint it down to an exact date.
 24 Q. Was there a particular event that
 25 brought the issue of increased inmate

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1 population based on interactions with opioids,
 2 what brought it to your attention?
 3 MR. LEDLIE: Object to the form of
 4 the question.
 5 A. No particular instance. Just an
 6 ongoing -- ongoing issues.
 7 Q. You mentioned a second corrections
 8 facility, Glenwood, correct?
 9 A. Yes.
 10 Q. What inmates qualify for housing at
 11 the Glenwood facility?
 12 A. So I've never worked at the
 13 Glenwood Jail. Those are the lower-level
 14 offenders.
 15 Q. What do you mean by a lower --
 16 lower-level offender?
 17 A. The security assessment --
 18 assessment on them is lower than what it would
 19 be at -- on a Crosier Street inmate.
 20 Q. Who's responsible for conducting
 21 the security assessment necessary to determine
 22 where an inmate will be housed?
 23 A. Our classification deputies do
 24 that, and then the final approval would be with
 25 the Glenwood Jail commander.

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1 Q. Who's the Glenwood Jail commander?
 2 A. Currently it's captain Rick Armsey.
 3 Q. Do you have any responsibilities
 4 for the classification of an inmate in order to
 5 determine housing at the jail or the Glenwood
 6 facility?
 7 A. No, I do not.
 8 Q. Do you have any responsibilities
 9 related to oversight of the Glenwood facility?
 10 A. No, I do not.
 11 Q. Do you have any interaction with
 12 the operations at the Glenwood facility?
 13 A. Not a lot. If they need assistance
 14 with manpower or they need a transport, we'll
 15 help them out, but it's kind of its own
 16 facility.
 17 Q. Is the only distinction between the
 18 inmates housed in Glenwood and the main jail
 19 facility their risk assessment? Their security
 20 risk assessment, that is?
 21 MR. LEDLIE: Object to the form of
 22 the question.
 23 A. I don't know if that's the only
 24 thing that's looked at.
 25 Q. Do you know of any other criteria

<p style="text-align: right;">Page 138</p> <p>1 used to determine whether an inmate -- inmate 2 will be housed at the jail or at the Glenwood 3 facility? 4 A. They go through a medical and a 5 mental health screening to go over there, as 6 well. 7 Q. What aspects of the medical and 8 mental health screening are used to identify an 9 inmate for residence at the Glenwood facility? 10 MR. LEDLIE: Object to the form of 11 the question. 12 A. I don't know what the medical and 13 the mental health providers ask the inmates or 14 they look for. I just know that they approve 15 them or disapprove them. 16 Q. Are the services provided to 17 inmates at Glenwood different than the services 18 provided at the main jail? 19 MR. LEDLIE: Object to the form -- 20 object to the form of the question. 21 A. I don't know about the services at 22 Glenwood Jail. I don't know. 23 Q. Do you know if the Glenwood 24 facility offers inmates any additional 25 addiction treatment services?</p>	<p style="text-align: right;">Page 140</p> <p>1 incarceration, correct? 2 A. Correct. 3 Q. Okay. Now, if I can call your 4 attention to the first three entries, there's a 5 category for charges. Do you see that? 6 A. Yes, I do. 7 Q. In the first entry, it reads, 8 "Aggravated possession of drugs (F5), 9 possession of drugs (meth) (F5), possessing 10 drug abuse instrument (M2), possessing drug 11 abuse incident (M2), driving under suspension 12 (M1)." 13 Do you see that? 14 A. Yes, I do. 15 Q. From what sources are the charge -- 16 are the charges populated? 17 A. It would only be speculation on my 18 part. I've never seen this generated or how 19 it's generated. 20 Q. Does the corrections division have 21 any responsibility for creating a transfer 22 log -- 23 A. No. 24 Q. -- such as Exhibit 3? 25 A. No, we do not do this.</p>
<p style="text-align: right;">Page 139</p> <p>1 MR. LEDLIE: Object to the form of 2 the question. Asked and answered. 3 A. I do not know. 4 Q. Captain Barker, I'd like to mark as 5 Exhibit 3 a document, which is identified a 6 SUMMIT_001845330. 7 - - - - - 8 (Thereupon, Deposition Exhibit 3, 9 Document Titled "Prisoner Transfer 10 by Location," Dated 3/27/2018, 11 SUMMIT_001845330, was marked for 12 purposes of identification.) 13 - - - - - 14 Q. Captain Barker, are you familiar 15 with the document identified as Exhibit 3? 16 A. Yes, I've seen this before. 17 Q. What is Exhibit 3? 18 A. This is the prisoner transport log 19 when we move somebody from our jail to Lorain 20 Correctional Facility. 21 Q. Do you know why a prisoner was 22 transferred from the Summit jail to Lorain? 23 A. Because they would have been 24 sentenced to prison. 25 Q. So that was for long-term</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. Who has responsibility for doing 2 that? 3 A. This comes from our -- our court 4 and special services bureau. 5 Q. What is the relationship between 6 the sheriff's department and the court and 7 special services bureau? 8 A. They are a bureau within our 9 operations division, and they're the ones that 10 provide court security, and then they 11 transport -- among other things, they transport 12 inmates from our jail to a state facility. But 13 they are deputy sheriffs. 14 Q. So the special service- -- services 15 bureau falls within the jurisdiction of the 16 broader sheriff's department, correct? 17 A. Yes, that's correct. 18 Q. Are you familiar with the charge 19 categories, which are listed on Exhibit 3? 20 A. Yes I am. 21 Q. Do you use these same charge 22 categories in your work in the corrections 23 division? 24 MR. LEDLIE: Object to the form of 25 the question.</p>

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1 A. I don't deal with -- personally
2 don't deal with that stuff enough to know.
3 Q. Do you encounter charge categories
4 in documents that you use in the corrections
5 division?
6 A. Yes.
7 MR. LEDLIE: Object to the form.
8 Q. In what cases do you review charge
9 categories?
10 A. It may come across my desk if there
11 was a problem with an inmate, and the charges
12 would be attached to it.
13 Q. How often does that happen?
14 A. I don't know for sure, but, you
15 know, it happens a lot.
16 Q. You'll see on Exhibit 3 in the
17 first charge that I read for the record, for
18 the second charge is "possession of drug (meth)
19 (F5)." Do you know if the reference to meth
20 refers to methamphetamine?
21 A. I think that's what that means.
22 Q. Are you aware of any charge
23 categories that specify an opioid drug?
24 A. I am not.
25 Q. Are there instances in which Summit

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1 County Corrections refers inmates to jails in
2 other jurisdictions?
3 A. Yes.
4 Q. What are those circumstances?
5 A. If it's somebody that is a high
6 profile case, it could be a former employee, a
7 current -- a current employee, it could be
8 somebody that is related to somebody that works
9 at our facility, it could -- that we would --
10 we would house them in another county facility.
11 Q. Have there ever been instances in
12 which you've needed to refer inmates to another
13 jurisdiction's facility due to overcrowding in
14 Summit?
15 A. Yes.
16 Q. On what occasions?
17 A. For a couple years, as recently as,
18 I want to say 2017, we -- we subcontracted beds
19 out at the Geauga County Jail.
20 Q. For what period of time did you
21 subcontract beds out to -- was it
22 Geauga County?
23 A. Geauga.
24 Q. Geauga County.
25 A. Yeah.

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1 Q. Thank you. For what period of time
2 did you --
3 A. I can't spell it for you.
4 Q. For what period of time did you
5 have that relationship with Geauga County?
6 A. I don't know the exact dates. It
7 was -- it was a couple years.
8 Q. Was there an agreement in place to
9 fund the inmates that were sent out to Geauga
10 County?
11 A. Yes.
12 Q. Was it cheaper to house inmates in
13 Geauga County than in Summit?
14 MR. LEDLIE: Object to the form of
15 the question.
16 A. It's not my realm of expertise.
17 Q. Were you involved in managing the
18 relationship between Summit corrections and
19 Geauga County Corrections?
20 A. Only in the nature that I went and
21 visited the jail, Geauga County Jail, with
22 Major Soltis, and then we sent inmates up
23 there. But I didn't -- didn't have a lot of
24 interaction with sending them up there.
25 Q. Do you know if it was cheaper to

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1 hire staff in Geauga County than in Summit
2 County?
3 MR. LEDLIE: Object to the form of
4 the question.
5 A. I don't know what they pay their
6 people.
7 Q. Do you know what caused the
8 overcrowding in Summit that made it necessary
9 to forge a relationship with Geauga County?
10 A. There's been a lot of issues. The
11 inmate population is just climbing.
12 Q. When did you first experience
13 overcrowding in the Summit County Jails?
14 A. I think we've -- we've always
15 had -- we always have had an overcrowding
16 issue, and it -- it continues to climb.
17 Q. Is it the fact that the
18 overcrowding issue predates the opiate crisis,
19 which was referenced in Exhibit 1, which we
20 looked at earlier today?
21 MR. LEDLIE: Objection to the form
22 of the question. Vague.
23 A. Don't really know when the exact
24 date of overcrowding. It's been an ongoing
25 issue.

<p style="text-align: right;">Page 146</p> <p>1 Q. Did you observe overcrowding in the</p> <p>2 Summit County Corrections facilities prior to</p> <p>3 2009?</p> <p>4 A. Yes.</p> <p>5 Q. How has the Summit County</p> <p>6 Corrections division responded to the opiate</p> <p>7 crisis that we've discussed today?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question. He's not here as a 30(b)(6) for</p> <p>10 the county. He's a fact witness.</p> <p>11 A. I don't know.</p> <p>12 Q. How have you personally responded</p> <p>13 to the opiate crisis that we've discussed</p> <p>14 today?</p> <p>15 A. It -- it continues to pull</p> <p>16 resources from what we've always done in the</p> <p>17 past to have to deal with inmates that are</p> <p>18 in -- in the jail for that type of stuff and</p> <p>19 are going through withdrawal because they can't</p> <p>20 get it in the jail any- -- anymore, that --</p> <p>21 they get it on the streets. So it pulls our</p> <p>22 staff to deal with those issues.</p> <p>23 Q. And you'd agree with me that you</p> <p>24 don't know how many inmates in Summit</p> <p>25 corrections facilities have experienced</p>	<p style="text-align: right;">Page 148</p> <p>1 encountered an individual who was arrested for</p> <p>2 the illegal prescription of drugs?</p> <p>3 A. I know that there's been several</p> <p>4 arrests for that type of behavior.</p> <p>5 Q. What is your knowledge of those</p> <p>6 arrests?</p> <p>7 A. It would have been people that were</p> <p>8 either stealing them, selling them,</p> <p>9 burglarizing to get money to buy them, people</p> <p>10 that our drug unit may have arrested and</p> <p>11 brought into the facility.</p> <p>12 Q. How have you become aware of</p> <p>13 incidents in which individuals have been</p> <p>14 arrested for the illegal prescription of drugs?</p> <p>15 A. Through talking with people that</p> <p>16 work for my agency, work with me, reports that</p> <p>17 have come across my desk. It's the things that</p> <p>18 I've -- that I've read that deal with my day --</p> <p>19 day-to-day operations of the facility.</p> <p>20 Q. When is the last time you recall</p> <p>21 encountering information related to an</p> <p>22 individual arrested for illegally prescribing</p> <p>23 drugs?</p> <p>24 A. I don't know when the last time is.</p> <p>25 Q. Can you recall any instance in</p>
<p style="text-align: right;">Page 147</p> <p>1 withdrawal within the last year, correct?</p> <p>2 A. I cannot give you a number, no.</p> <p>3 Q. And you don't know if the inhibits</p> <p>4 who have experienced withdrawal symptoms within</p> <p>5 the last year, you don't know how many of them</p> <p>6 have ingested any opioid drug, correct?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. I don't know the answer to that.</p> <p>10 Q. And it's the same for all other</p> <p>11 years in which you've served the corrections</p> <p>12 division, correct?</p> <p>13 MR. LEDLIE: Object to the form of</p> <p>14 the question.</p> <p>15 A. I don't know.</p> <p>16 Q. In your experience in corrections,</p> <p>17 have you ever encountered an inmate who was</p> <p>18 charged with a crime related to the illegal</p> <p>19 prescribing of drugs?</p> <p>20 MR. LEDLIE: Object to the form of</p> <p>21 the question.</p> <p>22 A. I don't deal with the inmates one</p> <p>23 on one a whole lot, so, no, I don't know.</p> <p>24 Q. In your experience in the sheriff's</p> <p>25 department more broadly, have you ever</p>	<p style="text-align: right;">Page 149</p> <p>1 which you became aware of an individual</p> <p>2 arrested for the illegal prescription of drugs?</p> <p>3 A. I know I've seen it. I just don't</p> <p>4 know when and whom it was.</p> <p>5 Q. Do you know how many times you've</p> <p>6 seen it?</p> <p>7 A. I don't know how many times.</p> <p>8 Q. Captain Barker, do your employees</p> <p>9 carry any drugs to treat inmates who are</p> <p>10 experiencing overdoses?</p> <p>11 A. No, we do not.</p> <p>12 Q. Corrections staff don't carry</p> <p>13 Narcan?</p> <p>14 A. The deputy staff does not carry</p> <p>15 Narcan.</p> <p>16 Q. Is there -- are there any</p> <p>17 individuals in the corrections facilities who</p> <p>18 carry Narcan?</p> <p>19 A. Yes.</p> <p>20 Q. Who?</p> <p>21 A. The nurses that are -- that work</p> <p>22 inside the jail.</p> <p>23 Q. The corrections division employs</p> <p>24 nurses in order to treat inmates, correct?</p> <p>25 MR. LEDLIE: Object to the form of</p>

<p style="text-align: right;">Page 150</p> <p>1 the question.</p> <p>2 A. No.</p> <p>3 Q. How are the nurses who treat</p> <p>4 inmates employed?</p> <p>5 A. Through Ameri- -- Advanced</p> <p>6 Correctional Healthcare, who's contracted with</p> <p>7 the county for that health care.</p> <p>8 Q. But the nature of their employment</p> <p>9 is to treat inmates within the corrections</p> <p>10 facilities, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did the corrections division have</p> <p>13 to approve having Narcan on site at corrections</p> <p>14 facilities?</p> <p>15 A. I don't know if we approved that or</p> <p>16 not.</p> <p>17 Q. Okay. Captain Barker, I'd like to</p> <p>18 mark as Exhibit 4 SUMMIT_001848870.</p> <p>19 - - - - -</p> <p>20 (Thereupon, Deposition Exhibit 4,</p> <p>21 1/6/2016 E-Mail Chain Re: Requesting</p> <p>22 Information on Incident at Summit</p> <p>23 County Jail, SUMMIT_001848870 to</p> <p>24 001848871, was marked for purposes</p> <p>25 of identification.)</p>	<p style="text-align: right;">Page 152</p> <p>1 "WEWS is requesting information on a situation</p> <p>2 at the Summit County Jail. We're hearing</p> <p>3 reports that a few inmates overdosed on heroin</p> <p>4 and there was a request for Narcan."</p> <p>5 Is that right?</p> <p>6 A. That's what it says.</p> <p>7 Q. In January 2016, did any staff in</p> <p>8 the corrections division, including nurses,</p> <p>9 carry Narcan?</p> <p>10 A. I don't know when they started</p> <p>11 carrying it. I know that I was asked about it</p> <p>12 at some point in -- in time, and I confirmed</p> <p>13 with the medical staff that they, in fact,</p> <p>14 carried it.</p> <p>15 Q. Captain Barker, you are personally</p> <p>16 responsible for overseeing contract services</p> <p>17 for inmates, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And that includes the provision of</p> <p>20 medical care, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And that would include the</p> <p>23 provision of Narcan, correct?</p> <p>24 MR. LEDLIE: Object to the form of</p> <p>25 the question.</p>
<p style="text-align: right;">Page 151</p> <p>1 - - - - -</p> <p>2 Q. Captain Barker, are you familiar</p> <p>3 with Exhibit 4?</p> <p>4 A. Yes.</p> <p>5 Q. What is it?</p> <p>6 A. It's an e-mail that I wrote to</p> <p>7 Major Soltis, who was the director of</p> <p>8 corrections at the time.</p> <p>9 Q. I'd like to call your attention to</p> <p>10 the second page of the e-mail chain, as printed</p> <p>11 out, and it's the Bates stamp ending 8871. The</p> <p>12 very bottom e-mail in the chain is an e-mail</p> <p>13 dated January 6, 2016, from Eric Ristow of WEWS</p> <p>14 News.</p> <p>15 Do you know Mr. Ristow?</p> <p>16 A. No, I don't.</p> <p>17 Q. Do you know his role at WEWS News?</p> <p>18 A. Other than by the signature stamp,</p> <p>19 no.</p> <p>20 Q. His e-mail is addressed to a number</p> <p>21 of individuals in the Summit County Sheriff's</p> <p>22 Department, including Sheriff Barry, correct?</p> <p>23 A. That is -- yeah, I see Sheriff</p> <p>24 Barry -- oh, his name is on there, yes.</p> <p>25 Q. And Mr. Ristow's e-mail reads,</p>	<p style="text-align: right;">Page 153</p> <p>1 A. No, I don't tell them what -- what</p> <p>2 type of medications they can and can't carry.</p> <p>3 Q. Have you been involved in any</p> <p>4 discussions about the decision of whether or</p> <p>5 not to make Narcan available on site in Summit</p> <p>6 County Corrections facilities?</p> <p>7 A. I had been involved in a -- in a</p> <p>8 few discussions, but nothing -- the ultimate</p> <p>9 decision would not have been mine.</p> <p>10 Q. Who had the ultimate decision?</p> <p>11 A. The medical staff, if they felt</p> <p>12 they needed to carry it, they carried it. And</p> <p>13 then Sheriff Barry also would have a -- have</p> <p>14 input into that.</p> <p>15 Q. Did you have any input into the</p> <p>16 decision whether or not to have Narcan</p> <p>17 available in corrections facilities in Summit?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. It -- it's out of my realm of</p> <p>21 expertise. No.</p> <p>22 Q. You had no responsibility for</p> <p>23 determining whether or not Narcan should be</p> <p>24 provided by the medical health provision --</p> <p>25 medical health professionals under your -- your</p>

<p style="text-align: right;">Page 154</p> <p>1 supervision, correct?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 A. No.</p> <p>5 Q. Now, if I can ask you to look at</p> <p>6 the first page of this e-mail, there's an</p> <p>7 e-mail from you to Dale Soltis dated January 6,</p> <p>8 2016, correct?</p> <p>9 A. Yes.</p> <p>10 Q. What is the substance of your</p> <p>11 e-mail to Mr. Soltis?</p> <p>12 A. It was -- I was letting him know</p> <p>13 about an incident that I got a phone call late</p> <p>14 at night, woke me up to deal with something</p> <p>15 that a lieutenant had a -- needed a decision</p> <p>16 made.</p> <p>17 Q. Was that something an overdose</p> <p>18 death?</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the question.</p> <p>21 A. I don't recall what it was.</p> <p>22 Q. If we wanted to look to identify</p> <p>23 the overdose deaths referenced on this</p> <p>24 Exhibit 4, what documents would we need to</p> <p>25 consult?</p>	<p style="text-align: right;">Page 156</p> <p>1 overdoses that occur within a corrections</p> <p>2 facility in Summit?</p> <p>3 MR. LEDLIE: Object to the form of</p> <p>4 the question.</p> <p>5 A. I don't know.</p> <p>6 Q. Who would have responsibility for</p> <p>7 tracking overdoses within corrections</p> <p>8 facilities?</p> <p>9 A. I don't know.</p> <p>10 Q. Would that fall under the provision</p> <p>11 of inmate services for which you have</p> <p>12 supervisory -- have a supervisory role?</p> <p>13 A. No.</p> <p>14 Q. Do you know if anyone is</p> <p>15 responsible for tracking overdoses in</p> <p>16 corrections facilities?</p> <p>17 A. I don't know.</p> <p>18 Q. Captain Barker, I'd like to mark as</p> <p>19 Exhibit 5 a document identified as</p> <p>20 SUMMIT_001850873.</p> <p>21 - - - - -</p> <p>22 (Thereupon, Deposition Exhibit 5,</p> <p>23 October 2016 E-Mail Chain Re: NSAIDs</p> <p>24 Blog - Dr. Norman Johns, With</p> <p>25 Attachment, SUMMIT_001850873, was</p>
<p style="text-align: right;">Page 155</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question. Misstates -- there's no mention</p> <p>3 of deaths here. Misstates the document.</p> <p>4 A. I don't see anything like that in</p> <p>5 here.</p> <p>6 Q. Do you see that there's a reference</p> <p>7 to heroin overdoses in Exhibit 4?</p> <p>8 A. Are we still talking about this</p> <p>9 front page, page 1?</p> <p>10 Q. I'm referring back. It's actually</p> <p>11 on the second page in the e-mail that we read a</p> <p>12 few moments ago.</p> <p>13 A. I do see that written there, but</p> <p>14 it's not from anybody in my agency.</p> <p>15 Q. Are you aware of any overdoses on</p> <p>16 heroin that occurred in a Summit County</p> <p>17 Corrections facility in January 2016?</p> <p>18 A. No, I'm not.</p> <p>19 Q. If we wanted to check whether or</p> <p>20 not there were any overdoses of any kind that</p> <p>21 occurred in a corrections facility in January</p> <p>22 of 2016, where would we have to look?</p> <p>23 A. Look at the shift commander logs</p> <p>24 and the incident reports.</p> <p>25 Q. Is there any systemic tracking of</p>	<p style="text-align: right;">Page 157</p> <p>1 marked for purposes of</p> <p>2 identification.)</p> <p>3 - - - - -</p> <p>4 Q. Captain Barker, are you familiar</p> <p>5 with Exhibit 5?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. It's an e-mail from the CEO of our</p> <p>9 medical provider.</p> <p>10 Q. And that's Advanced Correctional</p> <p>11 Healthcare, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And you have supervis- -- you have</p> <p>14 supervisory responsibility for Advanced</p> <p>15 Correctional Healthcare, correct?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. I -- they report to me. I don't</p> <p>19 direct their staff.</p> <p>20 Q. What is the nature of your</p> <p>21 responsibilities with regard to Advanced</p> <p>22 Correctional Healthcare?</p> <p>23 MR. LEDLIE: Objection to the form</p> <p>24 of the question.</p> <p>25 Go ahead.</p>

<p style="text-align: right;">Page 158</p> <p>1 A. They report to me, and I make sure 2 that our security staff and their staff are 3 working together to get the medical needs taken 4 care of. 5 Q. In the first paragraph of the 6 e-mail from Advanced Correctional Healthcare 7 dated October 20, 2016, the third sentence 8 reads, "What kills more people, opioids or 9 NSAIDs, non-steroidal anti-inflammatory drugs 10 such as ibuprofen or naproxen? At first 11 glance, this may seem like a silly question. 12 The truth is the death rates from these two 13 classes of drugs are very close. There are 14 approximately 16,000 to 20,000 deaths a year 15 from NSAIDs alone." 16 Have you -- do you see where I've 17 read? 18 A. Yes. 19 Q. Have you experienced any concerns 20 about overdoses from NSAIDs in Summit County 21 Corrections facilities? 22 A. No, I have not. 23 Q. Now, the top of this e-mail chain, 24 the Advanced Correctional Healthcare e-mail is 25 forwarded from Major Soltis to Theresa Cummins,</p>	<p style="text-align: right;">Page 160</p> <p>1 services? 2 A. We don't even make -- no, we don't. 3 Q. What responsibility, if any, do you 4 have for maintaining the contract with Advanced 5 Correctional Healthcare? 6 A. We make sure that our staff is 7 facilitating them in doing their job. 8 Q. Do you review the performance of 9 Advanced Correctional Healthcare? 10 A. Yes. 11 Q. And what does your review entail? 12 A. I sit down with whoever the medical 13 director is. Currently, it's Theresa Cummins. 14 We sit down once a month and go over the 15 services that they provide, and we talk pretty 16 much daily. 17 Q. And what is the nature of your 18 discussion of the services provided by Advanced 19 Correctional Healthcare? 20 A. It's never really a discussion 21 about the services that they provide. It's 22 more about the interaction of her staff and the 23 sheriff's office staff. 24 Q. Are there instances in which the 25 corrections staff have to manage the provision</p>
<p style="text-align: right;">Page 159</p> <p>1 and you're copied on this e-mail, correct? 2 A. That is correct. 3 Q. Why would you receive this e-mail? 4 A. He would have sent it to me just so 5 that I knew he was communicating with Theresa 6 Cummins. 7 Q. And Major Soltis asks Ms. Cummins, 8 "Are we following the recommended protocol from 9 your boss?" Do you see that? 10 A. Yes. 11 Q. Did either you or Major Soltis have 12 responsibility for the quality of health care 13 that Ms. Cummins and her department provide to 14 inmates? 15 MR. LEDLIE: Object to the form of 16 the question. 17 A. No. 18 Q. Who has responsibility for 19 supervising the quality of medical care 20 provided to Summit County inmates? 21 A. The medical provider. 22 Q. Who is the medical provider? 23 A. Advanced Correctional Healthcare. 24 Q. The sheriff's department has no 25 responsibility whatsoever for those contracted</p>	<p style="text-align: right;">Page 161</p> <p>1 of prescription drugs to inmates? 2 A. No. 3 Q. Are there any policies that pertain 4 to what pharmaceuticals may be obtained by an 5 inmate in a corrections facility? 6 MR. LEDLIE: Object to the form. 7 A. I don't know. 8 Q. Is access to pharmaceutical drugs a 9 security issue relevant to your work in the 10 corrections division? 11 A. Yes. 12 Q. Do you have any responsibility for 13 overseeing access to pharmaceutical drugs 14 within corrections facilities? 15 A. No. 16 Q. Who has that responsibility? 17 A. Advanced Correctional. 18 Q. Does Advanced Correctional 19 Healthcare set the Summit County policies for 20 access to pharmaceuticals? 21 MR. LEDLIE: Object to the form of 22 the question. 23 A. They don't set our policies. 24 THE REPORTER: They don't what? 25 I'm sorry.</p>

<p style="text-align: right;">Page 162</p> <p>1 THE WITNESS: I'm sorry. They</p> <p>2 don't set our policies.</p> <p>3 THE REPORTER: Thank you.</p> <p>4 Q. Who has responsibility for setting</p> <p>5 Summit County policies for access to</p> <p>6 pharmaceuticals of inmates?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. That's not what we do.</p> <p>10 Q. If an inmate arrives at the Summit</p> <p>11 County Jail with a prescription for oxycodone,</p> <p>12 what is the protocol in place for dealing with</p> <p>13 that situation?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I'm not sure what the medical staff</p> <p>17 does in their dealings with those types of</p> <p>18 medications.</p> <p>19 Q. At the time that an inmate arrives</p> <p>20 at your facility, do the corrections staff</p> <p>21 under your supervision have any</p> <p>22 responsibilities for intake of drugs on the</p> <p>23 person of -- arriving at the facility?</p> <p>24 A. No.</p> <p>25 Q. If an inmate arrives at a</p>	<p style="text-align: right;">Page 164</p> <p>1 THE REPORTER: Yes.</p> <p>2 Q. -- SUMMIT_001850134.</p> <p>3 - - - - -</p> <p>4 (Thereupon, Deposition Exhibit 6,</p> <p>5 Document Titled "Summit County</p> <p>6 Sheriff's Office Summit County Jail</p> <p>7 - Policy and Procedure,"</p> <p>8 SUMMIT_001850134 to 001850140, was</p> <p>9 marked for purposes of</p> <p>10 identification.)</p> <p>11 - - - - -</p> <p>12 Q. Captain Barker, are you familiar</p> <p>13 with Exhibit 6?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. It's inmate medical services policy</p> <p>17 on incoming medications.</p> <p>18 Q. Were you involved in preparing the</p> <p>19 policy set forth in Exhibit 6?</p> <p>20 A. I don't recall being involved in</p> <p>21 this one.</p> <p>22 Q. Do you know who was?</p> <p>23 A. I -- I do not.</p> <p>24 Q. Do you have any responsibility for</p> <p>25 enforcing the policy set forth in Exhibit 6?</p>
<p style="text-align: right;">Page 163</p> <p>1 corrections facility indicating that he has a</p> <p>2 prescription drug to which he must have access,</p> <p>3 do your staff have any responsibility for</p> <p>4 reviewing whether or not access to that</p> <p>5 prescription medication is appropriate?</p> <p>6 A. No.</p> <p>7 Q. Do you have any responsibility for</p> <p>8 referring that issue to medical staff on site?</p> <p>9 A. Yes.</p> <p>10 Q. What is the nature of that</p> <p>11 responsibility?</p> <p>12 A. When somebody comes in that has</p> <p>13 been arrested, and they have medication on</p> <p>14 them, or they tell us, "We're on medication,"</p> <p>15 we will call the nursing staff to the window,</p> <p>16 and then they will take over that aspect of it</p> <p>17 from there.</p> <p>18 Q. Is there any record kept of your</p> <p>19 staff's involvement in handling prescription</p> <p>20 medications?</p> <p>21 MR. LEDLIE: Object to the form.</p> <p>22 Misstates testimony.</p> <p>23 A. No.</p> <p>24 Q. So I'd like to mark as Exhibit --</p> <p>25 MS. WU: Six?</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Yes.</p> <p>2 Q. What is your responsibility?</p> <p>3 A. If some of the policy in here that</p> <p>4 we discovered was not followed, I would assign</p> <p>5 the appropriate supervisor to take necessary</p> <p>6 corrective action.</p> <p>7 Q. Do you have any other</p> <p>8 responsibility?</p> <p>9 A. To make sure it's followed.</p> <p>10 Q. How do you ensure that the</p> <p>11 prescription drug policy set forth in Exhibit 6</p> <p>12 is followed within the corrections facilities?</p> <p>13 A. I make sure that the lieutenants</p> <p>14 and the sergeants are supervising the deputies</p> <p>15 appropriately and that the medical service</p> <p>16 provider is also doing what they need to do.</p> <p>17 Q. How do you do that?</p> <p>18 A. I talk to all parties involved,</p> <p>19 pretty much daily.</p> <p>20 Q. Under the policy set forth in</p> <p>21 Exhibit 6, are inmates permitted to access</p> <p>22 prescription opioid drugs?</p> <p>23 A. I'd have to read through all this</p> <p>24 to -- to tell you that. I haven't memorized</p> <p>25 the policy.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. Do you -- do you know?</p> <p>2 A. I don't think I'm understanding</p> <p>3 your question 100 percent.</p> <p>4 Q. Do you know if inmates resident in</p> <p>5 a Summit County Corrections facility are able</p> <p>6 to access prescription opioid drugs?</p> <p>7 A. They never have access.</p> <p>8 Q. If a doctor prescribes oxycodone to</p> <p>9 an inmate at the Summit County Jail, under the</p> <p>10 policy set forth in Exhibit 6, is the inmate</p> <p>11 able to access oxycodone?</p> <p>12 A. If the doctor prescribes it and</p> <p>13 they believe it's medically necessary, it -- it</p> <p>14 would be admin- -- administered.</p> <p>15 Q. Do you believe that creates any</p> <p>16 security risks within the corrections system?</p> <p>17 A. Yes.</p> <p>18 Q. What are those risks?</p> <p>19 A. Well, if they're not taking the</p> <p>20 medication appropriately, it could get out into</p> <p>21 the general population, so we have procedures</p> <p>22 and policy in place to make sure that it is</p> <p>23 administered to the inmate.</p> <p>24 Q. What are those policies and</p> <p>25 procedures?</p>	<p style="text-align: right;">Page 168</p> <p>1 I'm going to take over questioning for a little</p> <p>2 while. We met this morning before the</p> <p>3 deposition started.</p> <p>4 A. Okay.</p> <p>5 Q. Turning back to Exhibit 6, which is</p> <p>6 the document that we were talking about before,</p> <p>7 in that first paragraph, on the first page, the</p> <p>8 first sentence says, "In order to ensure the</p> <p>9 continuity of health care and mental health</p> <p>10 care, the facility health authority will govern</p> <p>11 the admission of all incoming medications that</p> <p>12 are either brought in by a newly booked inmate</p> <p>13 at the time of incarceration, or when the</p> <p>14 medication is brought to the facility by a</p> <p>15 third party."</p> <p>16 Do you see that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. The facility health authority</p> <p>19 that's referenced there, is that ACH?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Prior to the implementation</p> <p>22 of this written policy, was there an unwritten</p> <p>23 policy with regard to the verification of</p> <p>24 prescription drugs?</p> <p>25 A. No, we wouldn't have anything like</p>
<p style="text-align: right;">Page 167</p> <p>1 A. The inmate has to be watched taking</p> <p>2 the medication. Has to be -- the deputy has --</p> <p>3 and the nurse has to see the medication put in</p> <p>4 the mouth and swallowed, drink water, and then</p> <p>5 we ask them to open their mouth and make sure</p> <p>6 that the medication has been swallowed.</p> <p>7 Q. Have you ever recommended any other</p> <p>8 policies in order to safeguard security within</p> <p>9 your facilities that would restrict access to</p> <p>10 prescription opioids?</p> <p>11 MR. LEDLIE: Object to the form of</p> <p>12 the question. Vague.</p> <p>13 A. No.</p> <p>14 MS. WU: It's now 12:30. Do you</p> <p>15 want to stop for lunch and then we can</p> <p>16 reconvene?</p> <p>17 THE WITNESS: Oh, sure.</p> <p>18 THE VIDEOGRAPHER: Going off the</p> <p>19 record at 12:30 p.m.</p> <p>20 (Luncheon recess.)</p> <p>21 THE VIDEOGRAPHER: Back on the</p> <p>22 record at 1:34 p.m.</p> <p>23 EXAMINATION OF SHANE BARKER</p> <p>24 BY MR. SQUIRE:</p> <p>25 Q. Captain Barker, I'm Russell Squire.</p>	<p style="text-align: right;">Page 169</p> <p>1 an unwritten policy.</p> <p>2 Q. Was there any kind of informal</p> <p>3 policy?</p> <p>4 A. No.</p> <p>5 Q. Okay. Actually, just going back</p> <p>6 briefly to Exhibit 6, so part -- prior to the</p> <p>7 implementation of the written policy, was there</p> <p>8 any efforts made to verify the authenticity of</p> <p>9 prescriptions that were brought into the</p> <p>10 jail --</p> <p>11 MR. LEDLIE: Object to the form.</p> <p>12 Q. -- for administration to inmates?</p> <p>13 MR. LEDLIE: Object to the form of</p> <p>14 the question.</p> <p>15 A. We always verify.</p> <p>16 Q. And that was true even prior to the</p> <p>17 policy?</p> <p>18 A. I -- I don't remember any time</p> <p>19 prior to the policy.</p> <p>20 Q. So the entire time that you were at</p> <p>21 corrections, your testimony is that</p> <p>22 prescriptions were always verified in some way?</p> <p>23 MR. LEDLIE: Object to the form of</p> <p>24 the question.</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 170</p> <p>1 Q. Do you know how that verification 2 was done?</p> <p>3 A. Not 100 percent. That would be 4 something the medical staff would have to 5 ask -- or answer, I'm sorry.</p> <p>6 Q. So do you know if the verification 7 process changed over time at all?</p> <p>8 A. As far as I know, it has not 9 changed.</p> <p>10 Q. All right. So showing you now what 11 will be marked as Exhibit 7.</p> <p>12 - - - - -</p> <p>13 (Thereupon, Deposition Exhibit 7, 14 July 2015 E-Mail Chain Re: Ohio 15 State Board of Pharmacy - Terminal 16 Distributor of Dangerous Drugs 17 License, with Attachment, 18 SUMMIT_001856529 to 001856543, was 19 marked for purposes of 20 identification.)</p> <p>21 - - - - -</p> <p>22 Q. So Exhibit 7 is a document bearing 23 beginning Bates number SUMMIT_001856529.</p> <p>24 Do you recognize this document?</p> <p>25 A. I see that it's addressed to me,</p>	<p style="text-align: right;">Page 172</p> <p>1 to be able to administer prescriptions?</p> <p>2 A. No, I do not.</p> <p>3 Q. And in that reference to O-A-R-R-S, 4 which I'll pronounce OARRS, you testified 5 previously that you're not familiar with OARRS, 6 correct?</p> <p>7 A. That's correct, yes.</p> <p>8 Q. And in the next e-mail at the top 9 of the page, Pamela DeBartolo is writing, "An 10 annual inventory (in-house) of all controlled 11 substances at the facility must be completed, 12 and the MAR (medication administration record) 13 and receipts from Diamond pharmacy must be 14 maintained on site for at least 3 years."</p> <p>15 Do you see that?</p> <p>16 A. Yes, I see that.</p> <p>17 Q. Now, who is Pamela DeBartolo?</p> <p>18 A. She's the previous -- previous 19 health administrator with ACH.</p> <p>20 Q. Previous meaning before Theresa 21 Cummins?</p> <p>22 A. Yes.</p> <p>23 Q. So she works for ACH?</p> <p>24 A. She used to.</p> <p>25 Q. She used to, okay.</p>
<p style="text-align: right;">Page 171</p> <p>1 but I don't -- I don't remember ever reading 2 it.</p> <p>3 Q. This is an e-mail chain with an 4 attachment, correct?</p> <p>5 A. Yes, it is.</p> <p>6 Q. And in the latest e-mail in the 7 chain, at the top of the first page, you see 8 that that e-mail was copied to you?</p> <p>9 A. I do.</p> <p>10 Q. So looking at the first e-mail in 11 the chain, at the bottom of that first page, in 12 that document, Sheri Zapadka e-mails, and in 13 her e-mail, she writes, "The license for the 14 Summit County Jail Glenwood facility has been 15 made active. Attached, please find a copy of 16 an inspection report and several other 17 informational documents, including information 18 on OARRS."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Are you familiar with this license 22 that she's referring to?</p> <p>23 A. No, I -- I'm not.</p> <p>24 Q. So do you know what type of license 25 a correctional facility needs to have in order</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Yes.</p> <p>2 Q. Does the Summit County Jail 3 maintain medication administration records for 4 its inmates?</p> <p>5 MR. LEDLIE: Object to the form of 6 the question.</p> <p>7 A. I don't know how they maintain -- I 8 don't know how ACH maintains that.</p> <p>9 Q. So those records are created by 10 ACH?</p> <p>11 A. Yes.</p> <p>12 Q. And are they housed in the pharmacy 13 at the jail?</p> <p>14 MR. LEDLIE: Object to the form of 15 the question. Which jail?</p> <p>16 A. I don't know what -- I don't know 17 where they house them.</p> <p>18 Q. Do you know if they are kept or 19 archived?</p> <p>20 A. I do not know that.</p> <p>21 Q. Are administrative -- sorry. Are 22 medication administration records created for 23 every time a prescription medication is 24 administered to an inmate?</p> <p>25 MR. LEDLIE: Object to the form of</p>

<p style="text-align: right;">Page 174</p> <p>1 the question. Vague. 2 A. I don't know. 3 Q. Do you know if they're supposed to 4 be created every time a medication is 5 administered to an inmate? 6 A. I don't know. 7 Q. So you're not aware of any policy 8 with regard to the creation of medication 9 administration records? 10 A. No. 11 Q. What is Diamond Pharmacy? 12 A. They are the company that delivers 13 the prescription medications to ACH. 14 Q. Does the Summit County Jail keep 15 the receipts from Diamond Pharmacy for 16 medications that are delivered? 17 A. I don't know. 18 Q. Is there any policy about keeping 19 or archiving those receipts? 20 A. I'm not familiar with any policy on 21 that. 22 Q. Are you aware of any efforts to 23 collect medication administration records in 24 connection with this litigation? 25 A. I'm not aware of that.</p>	<p style="text-align: right;">Page 176</p> <p>1 the question. 2 A. I don't know. 3 Q. Are you aware of any effort to 4 collect receipts from Diamond Pharmacy in 5 collection -- in connection with this 6 litigation? 7 A. I'm not aware of that. 8 Q. Has or does Diamond Pharmacy supply 9 Narcan to Summit County Corrections? 10 A. I don't know where they get it 11 from. 12 Q. Does Diamond Pharmacy supply 13 Suboxone to Summit County Corrections? 14 A. I don't know where they get it 15 from. 16 Q. Does Diamond Pharmacy supply any 17 prescription opioids to Summit County 18 Corrections? 19 A. I don't know. 20 Q. Are you aware of any medical 21 incident resulting from an inmate being 22 administered an improper medi- -- medication 23 due to negligence on the part of Summit County 24 Corrections staff, including ACH? 25 A. No, I'm not.</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Do you know if Diamond Pharmacy -- 2 well, let me go back here a minute. 3 If attorneys for Summit County 4 wanted to collect medication administration 5 records, would they have to route that request 6 through you? 7 MR. LEDLIE: Object to the form of 8 the question and to any conversations that -- 9 with counsel. I'll instruct him not to answer 10 as to any conversations with counsel, the 11 content of those. 12 Q. So my question relates to the 13 Summit County Corrections process for handling 14 those kinds of requests, and the question is if 15 a request were made to collect those kinds of 16 records, would that request have to be routed 17 through you? 18 MR. LEDLIE: Object to the form of 19 the question. 20 A. I don't know if it would or not. 21 Q. And for receipts from Diamond 22 Pharmacy, if a request to collect those kinds 23 of records were made, would that kind of 24 request have to be routed through you? 25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 177</p> <p>1 MR. LEDLIE: Object to the form of 2 the question. 3 Q. You're aware that Summit County 4 Corrections has administered prescription 5 opioids to inmates in the past, correct? 6 A. Yes. 7 Q. Considering instances where opioids 8 have been prescribed and administered by the 9 jail pharmacy, do you think that there are 10 alternatives that the jail could have used 11 besides opioids that are prescribed? 12 MR. LEDLIE: Object to the form of 13 the question. Calls for a medical opinion. 14 Beyond the scope. 15 A. I'm not a doctor. 16 Q. So you have no basis to question 17 the administration of prescription opioids to 18 patients? 19 A. Unless it's a security-related 20 issue, I'm not going to be involved in it. 21 Q. So purely on the basis of medical 22 need, you have no basis to question the 23 administration of prescription opioids to 24 inmates? 25 A. Yes, I would say that's accurate.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. Do you know if there have been any</p> <p>2 changes over time in the Summit County Jail</p> <p>3 pharmacies administration of prescription</p> <p>4 opioids to inmates?</p> <p>5 MR. LEDLIE: Object to the form.</p> <p>6 A. No.</p> <p>7 - - - - -</p> <p>8 (Thereupon, Deposition Exhibit 8,</p> <p>9 November 2015 E-Mail Chain Re: MAT</p> <p>10 Patient, SUMMIT_001848508 to</p> <p>11 001848510, was marked for purposes</p> <p>12 of identification.)</p> <p>13 - - - - -</p> <p>14 Q. Okay. So looking at Exhibit 8,</p> <p>15 which is a document with beginning Bates number</p> <p>16 Summit_001848508, this is an e-mail chain,</p> <p>17 correct?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Do you recognize this document?</p> <p>20 A. Yes, I do.</p> <p>21 Q. At the bottom of the e-mail chain,</p> <p>22 and this is on the second page, Jackie</p> <p>23 Kautenberger asks Chris Csonka if the jail</p> <p>24 could secure methadone and observe their client</p> <p>25 taking methadone while she was in prison,</p>	<p style="text-align: right;">Page 180</p> <p>1 A. I don't know.</p> <p>2 Q. In what context are you familiar</p> <p>3 with the Community Health Center?</p> <p>4 A. I know that it exists. I don't</p> <p>5 know their mission statement.</p> <p>6 Q. Do they provide services in the</p> <p>7 Summit County Jail?</p> <p>8 A. Not --</p> <p>9 MR. LEDLIE: Object to the form of</p> <p>10 the question.</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. And who is Christopher Csonka?</p> <p>13 A. He is our former population control</p> <p>14 coordinator.</p> <p>15 Q. Okay. So getting back to the</p> <p>16 e-mail chain, after the e-mail from Pamela</p> <p>17 DeBartolo, at the top of the page, the final</p> <p>18 e-mail in the chain is from Dale Soltis, and he</p> <p>19 asks if there is an alternative way to have the</p> <p>20 courts deal with this, as it involves manpower,</p> <p>21 hours, specialized housing, and resources taken</p> <p>22 away from our other duties, in addition to the</p> <p>23 liability of handling the medications, right?</p> <p>24 A. That's what his e-mail says, yes.</p> <p>25 Q. What is the liability of handling</p>
<p style="text-align: right;">Page 179</p> <p>1 correct?</p> <p>2 A. Yes, that's what she's asking.</p> <p>3 Q. And then, on the first page, at the</p> <p>4 bottom -- or rather the second half of the</p> <p>5 first page, Pamela DeBartolo indicates that the</p> <p>6 prison should be able to assist, and indicates</p> <p>7 that it would place her in a medical cell, take</p> <p>8 her to a methadone clinic to obtain additional</p> <p>9 prescriptions as needed, and lock the medicine</p> <p>10 in the pharmacy with the other narcotics,</p> <p>11 correct?</p> <p>12 A. Yes, that's correct.</p> <p>13 Q. And who is Jackie Kautenberger?</p> <p>14 A. I don't know who she is.</p> <p>15 Q. So looking back to that first</p> <p>16 e-mail, on the second page, her signature line</p> <p>17 says that she's the director of admissions for</p> <p>18 the Community Health Center.</p> <p>19 Are you familiar with the Community</p> <p>20 Health Center?</p> <p>21 A. I'm familiar with the name, and</p> <p>22 that's about it.</p> <p>23 Q. What's the -- what relationship</p> <p>24 does the Community Health Center have with</p> <p>25 Summit County Jail?</p>	<p style="text-align: right;">Page 181</p> <p>1 the medications that he's referring to?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 A. I -- I don't know what his</p> <p>5 intentions were when he wrote this e-mail, what</p> <p>6 he was referring to.</p> <p>7 Q. You see that he copied you on the</p> <p>8 e-mail?</p> <p>9 A. I do see that.</p> <p>10 Q. I'm not asking you what his</p> <p>11 intentions were. I'm asking what your</p> <p>12 understanding is of what he's referring to when</p> <p>13 he writes about the liability of handling the</p> <p>14 medications.</p> <p>15 MR. LEDLIE: Objection. Asked and</p> <p>16 answered.</p> <p>17 A. I -- I don't know what he was</p> <p>18 referring to when he -- when he wrote this.</p> <p>19 Q. So you were confused, when you</p> <p>20 received this e-mail, about what it was talking</p> <p>21 about?</p> <p>22 MR. LEDLIE: Object to the form of</p> <p>23 the question. Asked and answered.</p> <p>24 A. I receive a hundred e-mails a day.</p> <p>25 Q. How many e-mails a day do you</p>

<p style="text-align: right;">Page 182</p> <p>1 receive from your supervisor?</p> <p>2 A. It varies.</p> <p>3 Q. Did you ask for clarification about</p> <p>4 what he was referring to when he referred to</p> <p>5 liability of handling the medications?</p> <p>6 A. No, because this is something he</p> <p>7 handled and put me as a CC, as a courtesy to</p> <p>8 let me know. It was nothing -- there was no</p> <p>9 reason for me to be involved.</p> <p>10 Q. Why would he have wanted you to</p> <p>11 know as a courtesy?</p> <p>12 MR. LEDLIE: Objection. Calls for</p> <p>13 speculation. And asked and answered. And</p> <p>14 conduct, at this point. This is repetitive.</p> <p>15 He's attempted to answer your question repeated</p> <p>16 times, and you keep asking the same question.</p> <p>17 MR. SQUIRE: I'm just trying to get</p> <p>18 at his understanding of what this is about.</p> <p>19 MR. LEDLIE: No, I understand, but</p> <p>20 the conduct of a deposition, at this point</p> <p>21 you've asked him the question; he's answered</p> <p>22 your question. You need to move on to another</p> <p>23 question.</p> <p>24 Q. You oversee medical services for</p> <p>25 inmates, correct?</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. All right. There is -- asking now</p> <p>2 about the reference in Pamela DeBartolo's</p> <p>3 e-mail on the second half of this first page,</p> <p>4 there's a reference to keeping methadone locked</p> <p>5 in the pharmacy, as they do other narcotics.</p> <p>6 Is this how all prescriptions were</p> <p>7 typically handled, that they were locked in the</p> <p>8 pharmacy?</p> <p>9 A. Yes, any -- any prescription is</p> <p>10 going to be locked inside the pharmacy,</p> <p>11 correct.</p> <p>12 Q. And how long was that the case? I</p> <p>13 mean, going back how far?</p> <p>14 A. As far as I'm -- I'm aware.</p> <p>15 Q. Is medication always administered</p> <p>16 to inmates in the medical area of the jail?</p> <p>17 A. No.</p> <p>18 Q. Is medication administered to</p> <p>19 inmates in their cells?</p> <p>20 A. No.</p> <p>21 Q. Where does medication get</p> <p>22 administered to inmates?</p> <p>23 A. So generally the nurses go to the</p> <p>24 housing units, to the pods, and they administer</p> <p>25 the medication through the pod door that has</p>
<p style="text-align: right;">Page 183</p> <p>1 A. Yes.</p> <p>2 Q. Do you think that the reason that</p> <p>3 you were copied on your -- on this e-mail is in</p> <p>4 connection with those responsibilities?</p> <p>5 A. Yes.</p> <p>6 Q. Why were individuals like the</p> <p>7 inmate who's referred to in this e-mail chain</p> <p>8 placed in special medical cells instead of the</p> <p>9 a normal cell?</p> <p>10 A. We put them in those specialized</p> <p>11 cells when they need specialized treatment.</p> <p>12 Q. What is a special medical cell?</p> <p>13 A. It's a cell that is inside the</p> <p>14 dispensary, which is where the inmates get</p> <p>15 health care, and it -- they're separated from</p> <p>16 the general population.</p> <p>17 Q. Aside from its physical proximity</p> <p>18 to where the medical services are administered</p> <p>19 and its separateness from the other cells, is</p> <p>20 there anything that makes special medical cells</p> <p>21 distinct from other cells?</p> <p>22 A. They have positive airflow. They</p> <p>23 have a hospital-type bed. They have</p> <p>24 handicap-accessible facilities in -- actually</p> <p>25 inside the cell.</p>	<p style="text-align: right;">Page 185</p> <p>1 a -- a slide-through window underneath. They</p> <p>2 give the inmates the medication that way, and</p> <p>3 the deputy is inside with the inmate. The</p> <p>4 inmate swallows the medication, and then the</p> <p>5 nurse -- another inmate comes up and does it.</p> <p>6 It's done on the housing units.</p> <p>7 Q. Are prisoners ever allowed to</p> <p>8 administer medication to themselves?</p> <p>9 A. Not prescribed medications.</p> <p>10 Q. They're allowed to administer other</p> <p>11 medications to themselves?</p> <p>12 A. They have the ability to buy some</p> <p>13 over the counter on the commissary.</p> <p>14 Q. And when they buy those, they take</p> <p>15 those back with them to their cells and can</p> <p>16 take them in their cells?</p> <p>17 A. Yes.</p> <p>18 Q. Looking at Major Soltis's e-mail,</p> <p>19 at the top of the first page, he's asking about</p> <p>20 an alternative to the inmate going into the</p> <p>21 Summit County Jail, correct?</p> <p>22 A. Yes, he is.</p> <p>23 Q. And the reason for this is because</p> <p>24 of concern over the resources that it would</p> <p>25 take if the inmate is admitted into Summit</p>

<p style="text-align: right;">Page 186</p> <p>1 County Jail, right?</p> <p>2 MR. LEDLIE: Object to the form.</p> <p>3 A. That's what his e-mail says.</p> <p>4 Q. How common is it for corrections to</p> <p>5 ask for alternatives when an inmate is supposed</p> <p>6 to be booked into the jail?</p> <p>7 A. It's not an uncommon request.</p> <p>8 Q. Who typically makes that request?</p> <p>9 A. The director of corrections, in</p> <p>10 this case.</p> <p>11 Q. Is it something that you ever do?</p> <p>12 A. I have, yes.</p> <p>13 Q. Have there been changes, over time,</p> <p>14 in this process of asking for alternatives?</p> <p>15 A. No. I think whoever is in the --</p> <p>16 in the position at the time would -- when it --</p> <p>17 when he or she knows it takes his -- takes</p> <p>18 additional resources, they'll ask for an</p> <p>19 alternative.</p> <p>20 THE REPORTER: Ask for a what? I'm</p> <p>21 sorry.</p> <p>22 THE WITNESS: An alternative.</p> <p>23 THE REPORTER: Thank you.</p> <p>24 Q. And the purpose of asking for these</p> <p>25 alternatives is to avoid expending the</p>	<p style="text-align: right;">Page 188</p> <p>1 It could be something that pops up that we</p> <p>2 haven't seen before.</p> <p>3 Q. Is this a common concern?</p> <p>4 MR. LEDLIE: Object to the form.</p> <p>5 Vague.</p> <p>6 A. It's not an uncommon concern.</p> <p>7 Q. And when that concern is motivating</p> <p>8 the request, the goal ultimately is to avoid</p> <p>9 expending the extra resources that we'd --</p> <p>10 would be taken from admitting the inmate, as</p> <p>11 opposed to spending those resources, correct?</p> <p>12 MR. LEDLIE: Object --</p> <p>13 A. Yes.</p> <p>14 MR. LEDLIE: -- to the form.</p> <p>15 I'm sorry.</p> <p>16 - - - - -</p> <p>17 (Thereupon, Deposition Exhibit 9,</p> <p>18 6/22/2016 E-Mail from Pamela</p> <p>19 DeBartolo Re: Suboxone at Glenwood,</p> <p>20 SUMMIT_001849352, was marked for</p> <p>21 purposes of identification.)</p> <p>22 - - - - -</p> <p>23 Q. So looking at what's been marked as</p> <p>24 Exhibit 9, this is an e-mail with Bates number</p> <p>25 SUMMIT_001849352.</p>
<p style="text-align: right;">Page 187</p> <p>1 resources that admitting the inmate into Summit</p> <p>2 County Jail would take, correct?</p> <p>3 MR. LEDLIE: Object to the form of</p> <p>4 the question.</p> <p>5 A. There would be -- there could be</p> <p>6 numerous reasons to make those requests.</p> <p>7 Q. What are the reasons that the</p> <p>8 requests generally are made?</p> <p>9 A. There's -- there's a lot of</p> <p>10 reasons. Having to put somebody into a medical</p> <p>11 cell and then have that inmate supervised by</p> <p>12 one staff member would be one reason.</p> <p>13 Q. The concern associated with that</p> <p>14 reason is the resources that it would take to</p> <p>15 use that approach that could be used elsewhere</p> <p>16 if that inmate were not admitted, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Is that underlying concern the</p> <p>19 reason that these kinds of requests for</p> <p>20 alternatives are made?</p> <p>21 MR. LEDLIE: Object to the form.</p> <p>22 Asked and answered.</p> <p>23 A. One of the concerns.</p> <p>24 Q. What are the other concerns?</p> <p>25 A. I -- it could be numerous things.</p>	<p style="text-align: right;">Page 189</p> <p>1 Do you recognize this e-mail?</p> <p>2 A. Yes, I do.</p> <p>3 Q. And in the e-mail, Pamela DeBartolo</p> <p>4 writes, "Just as a quick reminder, please</p> <p>5 notify all staff, deputies, and Oriana we are</p> <p>6 not allowing Suboxone in the Glenwood facility,</p> <p>7 as it is too dangerous. If stopped abruptly,</p> <p>8 the detainee must be monitoring closely."</p> <p>9 Do you see that?</p> <p>10 A. Yes, I see it.</p> <p>11 Q. Do you remember Suboxone being</p> <p>12 forbidden in Summit County correction</p> <p>13 facilities because it was too dangerous?</p> <p>14 A. No. This is just speaking about</p> <p>15 the Glenwood facility.</p> <p>16 Q. Suboxone is permitted in Summit</p> <p>17 County Jail?</p> <p>18 MR. LEDLIE: Object to the form.</p> <p>19 Vague.</p> <p>20 A. I -- I don't have a list of the</p> <p>21 medications that they allow.</p> <p>22 Q. In this e-mail, Pamela DeBartolo is</p> <p>23 referring to the fact that Suboxone is</p> <p>24 prohibited in the Glenwood facility, correct?</p> <p>25 A. Yes, that's what she's saying.</p>

<p style="text-align: right;">Page 190</p> <p>1 Q. Are you aware of a similar -- or</p> <p>2 your testimony is that you're not aware of a</p> <p>3 similar prohibition in the Summit County Jail?</p> <p>4 A. I am not aware of that prohibition,</p> <p>5 correct.</p> <p>6 Q. Okay. Do you know when this</p> <p>7 prohibition in Glenwood went into effect?</p> <p>8 A. No, I do not.</p> <p>9 Q. When Pamela DeBartolo says that "If</p> <p>10 Suboxone is stopped abruptly, the detainee must</p> <p>11 be monitored closely," do you know -- what does</p> <p>12 she mean by that?</p> <p>13 MR. LEDLIE: Object to the form.</p> <p>14 A. I don't know what she means by</p> <p>15 that.</p> <p>16 Q. In your capacity as administrative</p> <p>17 captain of Summit County Jail, are you familiar</p> <p>18 with concerns relating to abruptly stopping</p> <p>19 Suboxone that lead to the need to monitor</p> <p>20 detainees closely?</p> <p>21 A. It's -- it's not within the realm</p> <p>22 of my expertise. I -- I'm not aware.</p> <p>23 Q. Your responsibilities relate to the</p> <p>24 security of the jail, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 192</p> <p>1 used for.</p> <p>2 Q. Does Summit County Jail offer other</p> <p>3 medication-assisted treatment, such as</p> <p>4 methadone or Vivitrol, for individuals</p> <p>5 suffering from opioid withdrawal?</p> <p>6 A. We do offer Vivitrol.</p> <p>7 Q. Do you know how much -- do you know</p> <p>8 if there are any costs to Summit County Jail</p> <p>9 associated with offering Vivitrol to inmates?</p> <p>10 MR. LEDLIE: Object to the form of</p> <p>11 the question.</p> <p>12 A. No, I am not.</p> <p>13 Q. Are you aware of any costs to</p> <p>14 Summit County Jail in connection with provision</p> <p>15 of Suboxone to inmates?</p> <p>16 A. No, I'm not.</p> <p>17 Q. So you're not aware of any costs to</p> <p>18 Summit County Jail associated with providing</p> <p>19 medical assistance treatment, MAT, to inmates</p> <p>20 at Summit County Jail?</p> <p>21 A. I'm not aware if it is or is not.</p> <p>22 Q. Do you know if inmates have to pay</p> <p>23 the costs of administration of Vivitrol or</p> <p>24 Suboxone to them at Summit County Jail?</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. So if you're not aware this</p> <p>2 concern, then it's not a concern related to</p> <p>3 security in the jail?</p> <p>4 MR. LEDLIE: Object to the form.</p> <p>5 A. No, it -- it could rise to a</p> <p>6 security concern.</p> <p>7 Q. But it's not a potential security</p> <p>8 concern that you're aware of?</p> <p>9 A. Unless it's brought to my attention</p> <p>10 as being a security concern, I wouldn't be</p> <p>11 aware of it.</p> <p>12 Q. But this particular concern has not</p> <p>13 been brought to your attention as a security</p> <p>14 concern; is that right?</p> <p>15 A. Not -- not that I recall.</p> <p>16 Q. Are you familiar with any concerns</p> <p>17 regarding the use of Suboxone in Summit County</p> <p>18 Jail?</p> <p>19 A. Other than it's like -- it's</p> <p>20 prescribed medication. I'm aware of the</p> <p>21 general concern that we maintain control of the</p> <p>22 medications.</p> <p>23 Q. Are you aware that Suboxone is used</p> <p>24 to treat opioid addiction?</p> <p>25 A. Yes, I've heard that's what that is</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. All right. Let's --</p> <p>2 MR. LEDLIE: Before we move on from</p> <p>3 9, would it be agreeable to redact this</p> <p>4 inmate's name and -- and inmate number? That</p> <p>5 should have been redacted, and I don't think we</p> <p>6 went into it. I just, for the record, I don't</p> <p>7 think that this individual's name and their</p> <p>8 medical condition needs to be part of this</p> <p>9 record.</p> <p>10 MR. SQUIRE: Can we reserve on</p> <p>11 that, I guess, and get back to you?</p> <p>12 MR. LEDLIE: That's fair.</p> <p>13 MR. SQUIRE: Okay.</p> <p>14 Q. Let's turn back to what we had</p> <p>15 previously marked as Exhibit 2. Can you find</p> <p>16 it there? Which was -- this was the Akron</p> <p>17 Beacon Journal article.</p> <p>18 Looking at the second page of the</p> <p>19 document --</p> <p>20 A. Okay.</p> <p>21 Q. Previously you had testified that</p> <p>22 there's some overlap between inmates who have</p> <p>23 mental health issues and inmates who have</p> <p>24 opioid addiction issues, correct?</p> <p>25 A. I do recall that, yes.</p>

<p style="text-align: right;">Page 194</p> <p>1 Q. In the second paragraph of this 2 page, it says that "Deputies are often 3 providing psychotropic medication to between 4 100 and 125 inmates." 5 Do you see that? 6 A. I see that. 7 Q. Is it proper to issue psychotropic 8 drugs to people who may be drug addicts? 9 MR. LEDLIE: Object to the form of 10 the question. Calls for a medical opinion. 11 A. I -- I don't know what's 12 appropriate. 13 Q. Is that something that you've ever 14 inquired about? 15 A. No. 16 MR. LEDLIE: And just for the 17 record, the same issue with the inmate's name 18 in this. 19 MR. SQUIRE: Okay. We'll get back 20 to you. Yep. 21 - - - - - 22 (Thereupon, Deposition Exhibit 10, 23 December 2015 E-Mail Chain Re: 24 Methadone Treatment/Inmate Housing, 25 SUMMIT_001848779 to 001848780, was</p>	<p style="text-align: right;">Page 196</p> <p>1 the same inmate referred to in this e-mail as 2 this e-mail. 3 Q. Yeah, I just -- sorry. I'm trying 4 to clear up the record because I said "this 5 e-mail," so -- 6 MR. LEDLIE: 10 and 8. 7 MR. SQUIRE: Yeah, exactly. 8 MR. LEDLIE: Okay. 9 Q. So the inmate in Exhibit 8 was 10 going to be sentenced to a 10-day sentence, 11 correct? 12 A. Yes. 13 Q. And you see that the -- in the top 14 e-mail on Exhibit 10, Judge Cook says, "We're 15 going to give her a split sentence so she would 16 only do five days at Summit County Jail." 17 Do you see that? 18 A. Yes, I see that. 19 Q. And she says, "So that will cut 20 down her day in SCJ by half -- her days in SCJ 21 by half." 22 A. I see that. 23 Q. Does that indicate to you that it's 24 the same incident? 25 MR. LEDLIE: Object to the form.</p>
<p style="text-align: right;">Page 195</p> <p>1 marked for purposes of 2 identification.) 3 - - - - - 4 Q. Okay. Looking at Exhibit 10, this 5 is an e-mail chain with beginning Bates number 6 SUMMIT_001848779. 7 Do you recognize this document? 8 A. Yes. 9 Q. And is the incident -- or, rather 10 is the inmate being discuss in this document 11 the same inmate who was being discussed in 12 Exhibit 8? 13 A. I don't -- I don't know if it is or 14 not. 15 Q. So the -- the date of Exhibit 8, 16 that was November -- those are e-mails from 17 November of 2015, right? 18 A. Yes, I see that. 19 Q. And these e-mails are from December 20 of 2015, right? 21 A. That's correct. 22 Q. And just to clarify, my last 23 question referred to Exhibit 10. You 24 understood that, right? 25 A. As I recall, you asked if this was</p>	<p style="text-align: right;">Page 197</p> <p>1 A. Unless I'm missing something here. 2 I don't see a name in Exhibit 8, but I see a 3 name in Exhibit 10, so I -- I don't know if 4 it's the same. 5 Q. Okay. Looking at Exhibit 10, this 6 is an e-mail in which -- well, let's look 7 specifically at the first e-mail in the chain, 8 which is in the second half of that first page. 9 A. Okay. 10 Q. So Dale Soltis is asking a question 11 to several people, and you're copied on this 12 e-mail, right? 13 A. Yes, I am copied on it. 14 Q. And in the e-mail, Dale Soltis is 15 asking, "Should we accept the inmate for 16 methadone treatment, the inmate would need to 17 be housed" -- or, rather, Dale Soltis is 18 saying, "Should we accept the inmate for 19 methadone treatment, the inmate would need to 20 be housed in one of the two special needs cells 21 located adjacent to the medical offices," 22 correct? 23 A. Yes. 24 Q. And he also says, "The need to 25 house those inmates on methadone and separated</p>

<p style="text-align: right;">Page 198</p> <p>1 from the general population is due to the high 2 potential for abuse," correct? 3 A. Yes, I see that. 4 Q. Further down in the paragraph, he 5 states, "The housing of inmates in one of the 6 two medical cells off of the medical area would 7 also necessitate a deputy being assigned 8 full-time, 24/7, to that post, which causes 9 further stress on our staffing levels, as this 10 is not a current staff post full-time." 11 Do you see that? 12 A. Yes. 13 Q. And then he writes, "The housing of 14 the inmate in the medical area also places 15 additional stress upon the medical provider." 16 Do you see that? 17 A. Yes. 18 Q. Generally, Dale Soltis, in this 19 e-mail, is expressing concerns to court 20 officials with regard to the strain that 21 housing an inmate -- or with housing the 22 particular inmate being discussed would have on 23 the Summit County Jail, right? 24 MR. LEDLIE: Object to the form. 25 The addressee -- it speaks for itself.</p>	<p style="text-align: right;">Page 200</p> <p>1 your understanding at that time that the 2 inmate's sentence at Summit County Jail was 3 being cut in response to Major Soltis's e-mail? 4 MR. LEDLIE: Object to the form. 5 Calls for speculation. 6 A. I don't know what I was thinking at 7 the time. 8 THE REPORTER: Repeat, please. 9 THE WITNESS: I'm sorry. 10 A. I don't know what I was thinking at 11 the time. 12 THE WITNESS: Sorry about that. 13 I'll try to be better. 14 Q. One way for court officials to have 15 addressed the concerns expressed in Major 16 Soltis's e-mail would have been to cut the 17 amount of time that the inmate was going to 18 spend at Summit County Jail, correct? 19 A. I don't know what the judge was 20 thinking. 21 Q. So now, from a jail administration 22 perspective, Major Soltis has expressed 23 concerns about housing this inmate in his 24 e-mail, correct? 25 A. He did, yes.</p>
<p style="text-align: right;">Page 199</p> <p>1 A. That's what it looks like, yes. 2 Q. And in response, in the e-mail at 3 the top of the page, Judge Katarina Cook 4 writes, "We're going to give her a split 5 sentence so she would only do five days at 6 Summit County Jail, and then 18 days of house 7 arrest/scram." 8 Do you see that? 9 A. Yes, I see that. 10 Q. Do you know what SCRAM is there? 11 Do you know what that means? 12 A. I do not. 13 Q. So in response to Major Soltis's 14 e-mail expressing concerns, Judge Cook has cut 15 down on the amount of time that the inmate 16 would have to spend at Summit County Jail, 17 correct? 18 MR. LEDLIE: Object to the form. 19 Calls for speculation. 20 A. Yeah, I don't know what the -- I 21 don't know what it is. 22 Q. You received this top e-mail, 23 correct? 24 A. I did. 25 Q. So when you received it, was it</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. And those concerns would be 2 alleviated by reducing the amount of time that 3 the inmate was going to spend at Summit County 4 Jail, correct? 5 A. No. They may have been mitigated, 6 but they weren't alleviated. 7 Q. Were requests, like the one that 8 Major Soltis is making to Judge Cook and the 9 other recipients of this e-mail, from the court 10 system common? 11 MR. LEDLIE: Object to the form. 12 Vague. 13 A. I don't -- I don't know if it's 14 common or uncommon. 15 Q. Does or do corrections officials 16 frequently work with court officials to try and 17 mitigate the burdens on the Summit County Jail? 18 A. Yes, we do. 19 Q. And in -- and does that often 20 involve requests to court officials to take 21 some action that will mitigate the burdens on 22 the Summit County Jail? 23 MR. LEDLIE: Object to the form. 24 A. Yes, that could one of the things 25 we would do.</p>

<p style="text-align: right;">Page 202</p> <p>1 Q. Have you ever made a -- made 2 requests to court officials for an alternative 3 sentence that would mitigate the burdens on the 4 Summit County Jail? 5 A. Personally, myself, I don't think I 6 have. I may have directed somebody to do it. 7 Q. Do you remember when the last time 8 you directed somebody to do it was? 9 A. Not an exact date, but I think 10 probably in the last month, we would have asked 11 for -- for an inmate to be released from 12 custody because of a health -- health-related 13 issue. 14 Q. Roughly how many times in the last 15 year have you made or have you directed 16 somebody to make that kind of request? 17 A. Numerous times. Don't know of an 18 exact answer. 19 Q. More than 10? 20 A. Yes. 21 Q. More than 20? 22 A. Probably. 23 Q. More than 50? 24 A. I wouldn't think more than 50, no. 25 Q. More than 30?</p>	<p style="text-align: right;">Page 204</p> <p>1 request? 2 A. I don't know -- no, the reason is 3 that we -- it's stressing our staff levels to 4 maintain the safety and security of the jail, 5 with this -- with a particular inmate that we 6 make that request with. 7 Q. How often is treatment for opioid 8 addiction the source of the burden that gives 9 rise to making a request to change a sentence? 10 A. I don't know. 11 MR. LEDLIE: Object to the form of 12 the question. 13 Q. Looking at the e-mail from Major 14 Soltis, he says that this is not a current 15 staffed post full-time, referring to having a 16 deputy assigned to the medical area, correct? 17 A. Yes, that's correct. 18 Q. Why is that not a staffed post 19 full-time? 20 A. Because they are not within our 21 general housing. They're in the dispensary, 22 which we don't have open to inmates 24/7. So 23 when there is an inmate that's actually housed 24 in there, they have to be supervised by a 25 deputy, so we try not to use them to -- so it</p>
<p style="text-align: right;">Page 203</p> <p>1 A. Probably. 2 Q. In instances where you have 3 directed someone to make this kind of request 4 to court officials, how many -- how frequently 5 did the underlying offense relate to opioids? 6 MR. LEDLIE: Object to the form. 7 A. I wouldn't know the answer to that. 8 Q. Do you direct people to make these 9 requests in circumstances other than when the 10 underlying offense relates to opioids? 11 A. Yes, I do. I do it when it becomes 12 a burden on our ability to maintain the safety 13 and security of the jail. 14 Q. And so you have -- you don't have 15 an estimate as to what proportion of the times 16 that you've directed these incidents -- or, 17 sorry, that you've directed these requests to 18 be made, what proportion related to opioids? 19 A. No, I do not. 20 Q. When you have directed requests 21 like this to be made, how often is it because 22 of burdens associated with medical treatment 23 for opioid addiction? 24 A. I don't know. 25 Q. Is that a common reason for the</p>	<p style="text-align: right;">Page 205</p> <p>1 doesn't stress the manpower levels in the -- in 2 the facility. 3 Q. So you're -- the need to have a 4 deputy assigned to the medical area only arises 5 when an inmate is in the medical area; is that 6 right? 7 MR. LEDLIE: Object to the form of 8 the question. 9 A. That's correct. 10 Q. How often is there an inmate in the 11 medical area that requires a deputy to be 12 there? 13 A. I -- I don't know. It varies. 14 Q. Is it more than half the time? 15 A. No. 16 Q. Is it more than 10 percent of the 17 time? 18 A. It sound -- sounds like about 10 19 percent of the time. 20 Q. Would you prefer to have sufficient 21 personnel to be able to staff a deputy in the 22 medical area full-time? 23 MR. LEDLIE: Object to the form. 24 Calls for opinion. 25 A. I -- I just want the jail staffed</p>

<p style="text-align: right;">Page 206</p> <p>1 appropriately, and if that is a position we 2 need to have staffed, then we staff it. 3 Q. Do you think that having the jail 4 staffed appropriately would require a deputy to 5 be staffed in the medical area full-time? 6 MR. LEDLIE: Object to the form. 7 A. No. 8 Q. Do you think that the jail is 9 currently staffed appropriately? 10 MR. LEDLIE: Object to the form of 11 the question. Vague. 12 A. It -- it depends. It's a -- it's a 13 day-to-day issue. 14 Q. Appropriate whether -- you're 15 saying whether the jail is staffed 16 appropriately is a day-to-day issue? 17 A. I'm saying that issues arise daily, 18 hourly, that requires different burdens on our 19 staff, and we make the appropriate adjustments 20 to handle it. 21 Q. But the personnel who work at the 22 jail does not change day to day, correct? 23 A. No, it -- it changes -- it changes 24 day to day. 25 Q. How does it change day to day?</p>	<p style="text-align: right;">Page 208</p> <p>1 on the changes in personnel at the jail, the 2 jail is not staffed appropriately? 3 MR. LEDLIE: Object to the form of 4 the question. 5 A. I don't know. I'd have to look at 6 the shift-by-shift lineup. 7 Q. Have you ever undertaken that 8 inquiry to determine whether there were days 9 that the jail was not staffed appropriately, 10 based on a shift-to-shift lineup? 11 A. I -- yes, I have. 12 MR. LEDLIE: Is this a good time 13 for a break? We've been going more than an 14 hour. 15 MR. SQUIRE: Yeah, we can take a 16 break, sure. 17 THE VIDEOGRAPHER: Going off the 18 record at 2:26 p m. 19 (A recess was taken.) 20 - - - - - 21 (Thereupon, Deposition Exhibit 11, 22 3/29/2017 E-Mail Chain, 23 SUMMIT_001853693 to 001853695, was 24 marked for purposes of 25 identification.)</p>
<p style="text-align: right;">Page 207</p> <p>1 A. Call-offs can do it. Whether it's 2 a weekend or a holiday. What time of day 3 changes our staffing level. There's a lot of 4 variables that change our required staffing 5 levels. 6 Q. Setting aside the required staffing 7 levels, I'm asking about the actual personnel 8 who work at the jail. Does that change day to 9 day? 10 A. I guess I'm not completely 11 understanding. Do you -- I don't understand 12 the question. 13 Q. The personnel who -- well, there 14 are deputies who work at the jail, correct? 15 A. Correct. 16 Q. The deputies who work at the jail 17 are those -- who those deputies are doesn't 18 change day to day, correct? 19 A. It does, because they can be on 20 their day off. We could have somebody from 21 another division coming in to work overtime, 22 which we allow that to happen. So the staff, 23 from one day to another, can be a different 24 face than it was the day before. 25 Q. Does -- are there days when, based</p>	<p style="text-align: right;">Page 209</p> <p>1 - - - - - 2 THE VIDEOGRAPHER: Back on the 3 record at 2:37 p.m. 4 Q. Captain Barker, please take a look 5 at what's been marked as Exhibit 11. 6 A. Okay. 7 Q. This is an e-mail chain bearing 8 beginning Bates number SUMMIT_001853693. 9 Do you recall this e-mail chain? 10 A. Yes, I do. 11 Q. Looking at the first e-mail in the 12 chain, on the second page, this e-mail from 13 Lisa Jones from -- rather, this is an e-mail 14 from Lisa Jones from the Summit County 15 Prosecutor's Office, right? 16 A. Yes. 17 Q. And she writes, "We are due to pick 18 up the above inmate on Friday, March 31st, from 19 NEOCC. Ashlee from U.S. Marshal's Office-Akron 20 just called, and the defendant has been 21 admitted to the hospital with acute hepatitis." 22 Do you see that? 23 A. Yes, I do. 24 Q. And she goes on to write that "I'm 25 wondering if we still want to pick him up on</p>

<p style="text-align: right;">Page 210</p> <p>1 Friday with his medical condition and let our 2 jail handle it or wait until he is finished 3 with his medical appointments." 4 Do you see that? 5 A. Yes. 6 Q. And then, further down, she writes, 7 "I advised her I would check with you first to 8 see what the jail wants to do." 9 Do you see that? 10 A. Yes, I do. 11 Q. And in the time next paragraph, do 12 you see that the inmate that they're talking 13 about, or the defendant, rather, that they're 14 talking about, was charged with possession of 15 heroin and possession of marijuana? 16 A. Yes, I see that. 17 Q. So then, going to the first page, 18 in the middle of the page, Frank Kalapodis 19 e-mails a number of recipients, including you, 20 and asks, "Someone look at this and advise me 21 ASAP." 22 Do you see that? 23 A. Yes. 24 Q. And then, at the top of the page, 25 Donna Nicholas from the Summit County Sheriff's</p>	<p style="text-align: right;">Page 212</p> <p>1 MR. LEDLIE: Object to the form. 2 A. There are numerous reasons we would 3 reject an inmate. 4 Q. My question is, was it common to 5 make decisions regarding booking based on 6 potential medical costs as a concern? 7 A. Yes, that is a consideration. 8 Q. And was it -- is it common for 9 Summit County Corrections, generally, to try to 10 avoid medical costs when it was possible to do 11 so? 12 MR. LEDLIE: Object to the form. 13 Vague. 14 A. One of the things we might do. 15 Q. Who generally pays for inmate 16 medical care at the Summit County Jail? 17 A. The medical provider. 18 Q. Which is ACH? 19 A. Yes. 20 Q. So who pays ACH for its provision 21 of medical services at the Summit County Jail? 22 A. The County of Summit. 23 Q. Okay. Does private insurance pick 24 up costs of inmate medical care? 25 A. I don't know if they do or not.</p>
<p style="text-align: right;">Page 211</p> <p>1 Office writes, "The inmate needs to get his 2 medical issues cleared. If he's brought here, 3 we will have to assume responsibility for the 4 medical bills incurred." 5 Do you see that? 6 A. Yes. 7 Q. So the Summit County Sheriff's 8 Department decided not to admit the inmate 9 until after his medical issues were cleared, in 10 order to avoid medical costs associated with 11 him, correct? 12 MR. LEDLIE: Object to the form of 13 the question. 14 A. I don't know if that's the result 15 of this e-mail. 16 Q. Donna Nicholas was advocating that 17 the inmate not be admitted until after his 18 medical issues were cleared in order to avoid 19 the medical costs associated with it, correct? 20 A. That's what she's saying in her 21 inmate -- in her e-mail, correct. 22 Q. Was it common to make decisions as 23 to whether to accept an inmate based on 24 potential medical costs associated with that 25 inmate?</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Some inmates are eligible for 2 Medicaid, correct? 3 A. I'm sure that's the case, yes. 4 Q. Does Medicaid pay for the cost of 5 medical care for those inmates who qualify for 6 Medicaid? 7 MR. LEDLIE: Object to the form of 8 the question. 9 A. I don't know if they do or not. 10 Q. Medical care, as provided by ACH, 11 includes addiction treatment, right? 12 A. I don't know if they provide that 13 or not. 14 Q. If a -- if an inmate at the Summit 15 County Jail is suffering from drug addiction, 16 is there any way for them to get treatment for 17 that at the Summit County Jail? 18 MR. LEDLIE: Object to the form of 19 the question. Asked and answered. 20 A. I -- I don't know what the 21 treatment protocol from ACH would be on that. 22 Q. If a -- if a Summit County Jail 23 inmate has medical needs associated with drug 24 addiction, is that the kind of thing that you 25 think that ACH should treat?</p>

<p style="text-align: right;">Page 214</p> <p>1 MR. LEDLIE: Object to the form. 2 He's here as a fact witness, not to offer his 3 opinions. 4 A. I have no opinion on that. 5 Q. All right. 6 MR. LEDLIE: Just real quick, the 7 same issue. This medical condition of this 8 inmate, I'd request that his name and inmate 9 number be redacted. 10 MR. SQUIRE: Okay. 11 Q. So Exhibit 11, this is 12 correspondence between Summit County 13 Corrections and the Summit County Prosecutor's 14 Office, correct? 15 A. Yes. 16 Q. And as we've said, this is an 17 e-mail where a request -- well, in this e-mail 18 a request wasn't made, but there was a 19 suggestion made on how to proceed with an 20 inmate in order to lessen the burden on Summit 21 County Corrections, right? 22 MR. LEDLIE: Object to the form. 23 The document speaks for itself. 24 A. I don't know what the result was of 25 this. These are two captains talking to each</p>	<p style="text-align: right;">Page 216</p> <p>1 requests to other governmental entities that 2 would reduce the burden on the Summit County 3 jails? 4 A. I don't know if other people had 5 done that or not. 6 Q. Okay. All right. You can put that 7 exhibit aside. 8 A. Okay. 9 Q. Have inmates in the Summit County 10 Jail smuggled drugs into the jail during your 11 tenure in the corrections division? 12 A. Yes, it has happened before. 13 Q. Which drugs have been smuggled in? 14 A. I mean, I've seen marijuana. I've 15 seen pills, and I've seen crack cocaine. I've 16 seen a lot of different med- -- a lot of 17 different things come in the jail. 18 Q. Okay. How about heroin? 19 A. Yes, I've seen heroin come in the 20 jail. 21 Q. How have drugs been smuggled into 22 the Summit County Jail? 23 A. Inside clothing, inside body 24 cavities, inside hair. 25 Q. Have there been changes, over time,</p>
<p style="text-align: right;">Page 215</p> <p>1 other. I don't know what happened with those 2 discussions, right. 3 Q. But that was the concern, and that 4 was the basis for the e-mail, right? 5 MR. LEDLIE: Object to the form. 6 A. That's what's in the e-mail, yes. 7 Q. And previously we had looked at a 8 document where a request was made to officials 9 from the Summit County courts, right? 10 A. Yes. 11 MR. LEDLIE: Object to the form. 12 Q. Were there other governmental 13 entities that Summit County sheriff -- let me 14 start over. 15 Were there other governmental 16 entities that Summit County Sheriff's Office 17 made requests to with the intention of reducing 18 the burden on Summit County jails? 19 MR. LEDLIE: Object to the form. 20 He's not here as a 30(b)(6). 21 A. I don't know if that's the case or 22 not. 23 Q. So in your personal capacity, you 24 personally are not aware of other instances 25 where the Summit County Sheriff's Office made</p>	<p style="text-align: right;">Page 217</p> <p>1 in the methods used to smuggle drugs into the 2 jail? 3 A. There is, but there's only so many 4 places they can bring it in. 5 Q. What have you done in response to 6 drugs being smuggled into the Summit County 7 Jail? 8 A. We've increased the staff training 9 with regards to detection and pat-down searches 10 and strip searches, if -- if we need to do 11 that. 12 We now shower females as soon as 13 they come in, change them out of their street 14 clothes, have them go to the shower, and put 15 them into a jail uniform. 16 And then every in- -- every new 17 inmate that comes in and every inmate that 18 leaves the jail and comes back into the jail 19 gets a scan with a SecurPASS body scanner. 20 Q. Is there a reason that you only do 21 the showering protocol for female inmates? 22 A. Physical differences. 23 Q. Take a look at -- actually, before 24 I show you this document, what's the most 25 recent change that you made at the Summit</p>

<p style="text-align: right;">Page 218</p> <p>1 County Jail in response to drug smuggling into 2 the jail?</p> <p>3 A. I think the most recent change we 4 made is the addition of the SecurPASS scanner.</p> <p>5 Q. And when was that adopted?</p> <p>6 A. I think it was August of 27 -- 2016 7 maybe. 2016. About two years ago. August 8 sometime. It's either '16 or '17.</p> <p>9 - - - - -</p> <p>10 (Thereupon, Deposition Exhibit 12, 11 6/29/2016 E-Mail from John Pennell 12 Re: 90 Unit Six, SUMMIT_001849446, 13 was marked for purposes of 14 identification.)</p> <p>15 - - - - -</p> <p>16 Q. Exhibit 12 is an e-mail with 17 beginning Bates number SUMMIT_00189446. This 18 is an exhibit -- sorry. This e-mail -- this 19 exhibit is an e-mail from John Pennell to Dale 20 Soltis, copying you and others, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And in the e-mail, John Pennell 23 writes, "Deputy Jerome Hill informed me tonight 24 that he received information that inmates are 25 bringing heroin and prescription pills in by</p>	<p style="text-align: right;">Page 220</p> <p>1 referred to in this first paragraph who are 2 bringing the prescription drugs into the jail, 3 these are inmates who have been released on 4 parole?</p> <p>5 A. Parole, or it could also mean 6 probation.</p> <p>7 Q. Okay.</p> <p>8 A. That they were violated and sent 9 back to us.</p> <p>10 Q. And so later on in the paragraph, 11 John Pennell writes, "These inmates turned 12 themselves in and already had the drugs 13 hidden."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. So this -- is this referring to 17 inmates who are out on parole or probation, who 18 are voluntarily turning themselves in for 19 parole or probation violations with the 20 intention of coming back into the jail, because 21 they want to bring the drugs into the jail?</p> <p>22 A. That's what the inmate was -- 23 that's what the sergeant was implying, yes.</p> <p>24 Q. Okay. So you testified that the 25 smuggling of prescription pills -- I'm sorry.</p>
<p style="text-align: right;">Page 219</p> <p>1 having the drugs in their anal cavity."</p> <p>2 Do you see that?</p> <p>3 A. Yes, I do see that.</p> <p>4 Q. And then he goes on to say the 5 information he was provided specifically states 6 that the inmates doing this are charged with 7 PV.</p> <p>8 Do you see that?</p> <p>9 A. Yes, I see that.</p> <p>10 Q. What does PV mean there?</p> <p>11 A. Parole violator.</p> <p>12 MR. LEDLIE: Before we go any 13 further, it -- this relates to an inmate that 14 has provided information. This is a security 15 risk for this individual, and so I definitely 16 would like an answer today on whether or not we 17 can agree to redact that individual's name and 18 number.</p> <p>19 MS. WU: I think that's going to be 20 fine, and I think that, for the record, why 21 don't we designate this exhibit as highly 22 confidential so that we don't have any 23 immediate security incidents.</p> <p>24 MR. LEDLIE: I appreciate that.</p> <p>25 Q. So the inmates that are being</p>	<p style="text-align: right;">Page 221</p> <p>1 You testified about drugs.</p> <p>2 Was the smuggling of prescription 3 pills specifically, into the prison, a common 4 problem?</p> <p>5 A. I wouldn't say it's a common 6 problem, but I'm saying it -- it certainly 7 exists. It certainly happens.</p> <p>8 Q. In thinking about drugs that have 9 been smuggled or attempted to be smuggled into 10 judgment county jail in 2018, what is the most 11 common drug involved?</p> <p>12 MR. LEDLIE: Object to the form.</p> <p>13 A. Without looking at our reports and 14 our records, I wouldn't know.</p> <p>15 Q. Do you know what the most common 16 drug involved was in 2017?</p> <p>17 A. No.</p> <p>18 Q. Do you know what the most common 19 drug wa- -- drug was in 2016?</p> <p>20 A. No.</p> <p>21 Q. Do you know for any of the years 22 during your tenure at the corrections division?</p> <p>23 A. No, I do not.</p> <p>24 Q. You referred to reports that you 25 would have to review in order to make that</p>

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1 determination. Which reports would you look at
2 to find out that information?
3 A. Our shift commander logs and
4 incident reports, and any confidential
5 investigations generated with those reports.
6 Q. So if you were at the Summit County
7 Jail and you wanted to make that determination
8 by looking at those reports, what would the
9 process be for accessing and reviewing those
10 reports?
11 A. I would go to my records and ID
12 bureau and ask the supervisor there to assign
13 one of her people to do a search of the
14 incidents for the given date time frame, and
15 they would have to read through those and find
16 out exactly what -- what type of contraband was
17 being found.
18 Q. And is that a search that would be
19 done electronically, or it would be done
20 manually?
21 MR. LEDLIE: Object to the form.
22 A. I think it would be both.
23 Q. Some of the records exist
24 electronically, but some of them only exist in
25 hard copy?

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1 A. That is true, but when they go to
2 pull the report out of our record management
3 system, they're going to have to read through
4 the body of the report to find out what type of
5 contraband was found.
6 Q. Understood.
7 Is prevention of smuggling a
8 priority for -- let me go back.
9 Is the prevention of drug smuggling
10 into the Summit County Jail a priority for the
11 Summit County Jail?
12 A. Yes, very much so.
13 Q. How many guards do you have
14 assigned to that?
15 A. Every deputy that works in the
16 facility, myself included, is -- that is one of
17 our daily tasks.
18 Q. And how many deputies work at the
19 jail?
20 A. Do you mean total, or on a given
21 shift?
22 Q. Let's do total first.
23 A. I believe there's 180 assigned
24 there.
25 Q. And how many on a given shift?

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1 A. Day shift might have upwards of 40.
2 Q. And so even though it's a priority
3 for all the deputies in the jail, there's still
4 some smuggling of prescription drugs that's
5 able to take place?
6 MR. LEDLIE: Object to the form.
7 A. We do the best we can to make sure
8 that doesn't occur.
9 Q. Looking at Exhibit 12, the third
10 paragraph, there is a reference to Cuyahoga
11 County Jail using body scanners to stop drug
12 smuggling. Do you see that?
13 A. Yes, I see that.
14 Q. Prior to this e-mail, were you
15 aware of Cuyahoga County Jail's use of body
16 scanners?
17 A. I don't know if I was aware of
18 Cuy- -- Cuyahoga County per se, but I -- but I
19 was aware of some surrounding counties using a
20 body scanner.
21 Q. When did you first become aware of
22 jails or prisons using body scanners?
23 A. In the last couple years, three or
24 four years.
25 Q. And I believe you testified earlier

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1 today that Summit County Jail now uses body
2 scanners?
3 A. Yes, that's correct.
4 Q. Is drug smuggling still a problem,
5 even after the introduction of body scanners?
6 A. It's something we work at every day
7 to make sure it doesn't happen.
8 Q. But it has happened since then?
9 Since they were introduced?
10 A. We have found contraband on people
11 during the scan.
12 Q. So you're not aware of anybody who
13 has gotten drugs past the scanners since you've
14 introduced the scanners?
15 A. I -- I don't recall that report
16 coming across my desk. It doesn't mean that
17 I -- I didn't miss something.
18 Q. And your testimony was that you
19 introduced the scanners two years ago; is that
20 right?
21 A. Yeah, I'm thinking that it would
22 have been -- it was in August of '17, because
23 this is in '16 that we would have -- yeah, I
24 think it was August of '17. August of 2017.
25 Q. When you became aware of the use of

<p style="text-align: right;">Page 226</p> <p>1 body scanners in other -- or, sorry. You 2 testified that you were aware that other 3 counties were using these body -- body scanners 4 three or four years ago, right? 5 MR. LEDLIE: Object to the form. 6 A. I did testify to that, yes. 7 Q. When was it first suggested that 8 Summit County use body scanners? 9 A. I don't know how far back it was, 10 but it was an item that we were asking 11 administration of the sheriff's office and 12 county in general, we need to look into this 13 piece of equipment and -- and seriously 14 consider buying it. 15 Q. And there was a delay between when 16 you first requested it and when the body 17 scanners were finally introduced? 18 A. Yes, there was a delay. 19 Q. Do you know what caused that delay? 20 A. Getting approval. It was a newer 21 technology that we wanted to be sure worked. 22 We went and visited some machines that were 23 working. And then, of course, money issues are 24 always an issue. 25 Q. Prior to the introduction of the</p>	<p style="text-align: right;">Page 228</p> <p>1 the question. Asked and answered. 2 A. It's not my area of expertise. I 3 don't know what the monetary resources spent on 4 that would have been. 5 - - - - - 6 (Thereupon, Deposition Exhibit 13, 7 August 2016 E-Mail Chain, 8 SUMMIT_001850085 to 001850086, was 9 marked for purposes of 10 identification.) 11 - - - - - 12 Q. You've got what's been marked as 13 Exhibit 13. This is an e-mail chain with 14 beginning Bates number SUMMIT_001850085. And 15 this is an e-mail chain with the subject line 16 "Ryan Gates," right? 17 A. Yes, correct. 18 Q. Take a look at the first e-mail in 19 the chain on the second page. Colleen Sims 20 writes, "It was reported that Ryan Gates was 21 directly transferred to the halfway house from 22 the jail and tested positive for opiates and 23 fentanyl on July 12th." 24 Do you see that? 25 A. Yes, I see that.</p>
<p style="text-align: right;">Page 227</p> <p>1 body scanners, what costs were associated with 2 preventing smuggling of drugs into the jail? 3 A. I -- I couldn't nail down the cost, 4 but I -- I can tell you that all of the staff, 5 civilian staff included, that's always foremost 6 on our mind because it makes the environment 7 or -- environment safer for the inmates and for 8 us, so it's -- it's always a consideration. 9 Q. Were there monetary costs 10 associated with the efforts to prevent drug 11 smuggling in the Summit County Jail prior to 12 the introduction of the body scanners? 13 MR. LEDLIE: Object to the form of 14 the question. Asked and answered. 15 A. We -- that is our -- one of our 16 number one priorities is to keep that kind of 17 stuff out of the facility. 18 Q. So I understand that it's a 19 priority, and I understand that it's something 20 that you spent a lot of effort on. I'm asking 21 specifically about monetary costs. 22 Were there monetary costs 23 associated with that effort prior to the 24 introduction of the body scanners? 25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. Then, further up in the chain, Dale 2 Soltis writes, "Ryan Gates was at the Summit 3 County Jail from July 5th through July 12th. 4 Can your lab people advise if the tests could 5 have shown drug use prior to incarceration or 6 if he used while in the jail." 7 Do you see that? 8 A. Yes. 9 Q. And that question is sent to Pamela 10 DeBartolo, copying Brian Westover and you, 11 right? 12 A. That's correct. 13 Q. Further up in the chain, now this 14 is the second e-mail down from the beginning of 15 the document. You sent an e-mail, and you 16 said, "I approved several last week. Was this 17 one of them?" 18 Do you see that? 19 A. I see it. 20 Q. When you say "several," what are 21 you referring to? Several what? 22 A. I don't remember exactly what I 23 meant, but from the e-mail, it looks like I 24 approved some drug testing to be done. 25 Q. Looking at the last e-mail in the</p>

<p style="text-align: right;">Page 230</p> <p>1 chain, at the top of the first page, Pamela 2 DeBartolo writes, "Long story short," and then 3 describes how long heroin is detectable in 4 blood. 5 Do you see that? 6 A. I see that, yes. 7 Q. And the last paragraph, or the 8 third paragraph of that e-mail, she writes, "So 9 in short, it would not be able to detect heroin 10 use after seven days of incarceration. I would 11 assume he was able to use while incarcerated." 12 Do you see that? 13 A. Yes. 14 Q. Was it common for inmates to use 15 heroin in the Summit County Jail? 16 MR. LEDLIE: Object to the form of 17 the question. 18 A. No. 19 Q. Are you aware of other instances in 20 which inmates were able to use heroin in the 21 Summit County Jail? 22 A. No. 23 Q. Are you aware of instances in which 24 inmates abused prescription opioids in the 25 Summit County Jail?</p>	<p style="text-align: right;">Page 232</p> <p>1 where it -- what came of it. 2 Q. After you received this e-mail, you 3 didn't do any followup regarding this incident? 4 A. I might have. I can't recall. 5 Q. Who would be responsible for 6 investigating how this inmate received the 7 heroin? 8 A. It'd ultimately fall to the -- the 9 jail commander to assign somebody to do that. 10 Q. So it would be an ad hoc 11 assignment; there wasn't somebody who -- whose 12 job description included investigating 13 incidents like this? 14 MR. LEDLIE: Object to the form. 15 A. It would depend on who was -- who 16 was -- who was given that task at that time. 17 Q. But what I'm asking is, it would 18 have been assigned as an ad hoc assignment, not 19 as part of somebody's regular job duties? 20 MR. LEDLIE: Object to the form of 21 the question. 22 A. I don't know how the jail commander 23 would have assigned it. 24 Q. In general, when it's been 25 discovered that drugs have been smuggled into</p>
<p style="text-align: right;">Page 231</p> <p>1 A. A specific instance is not coming 2 to mind right now. 3 Q. Are you aware of -- strike that. 4 So you can't identify -- well, let 5 me strike that. 6 MR. LEDLIE: Just while you're 7 gathering your thoughts, the same request that 8 this be highly confidential because of the 9 person's identity. 10 MR. SQUIRE: Okay. 11 Q. So are you aware of whether any 12 inmate has abused prescription opioids in the 13 Summit County Jail? 14 MR. LEDLIE: Object to the form of 15 the question. 16 A. I don't know. 17 Q. Did you investigate to determine 18 how the inmate who's being discussed in 19 Exhibit 13 obtained the heroin that he got? 20 A. I did not. 21 Q. Did anyone at the Summit County 22 Jail investigate that? 23 A. I don't know if they did or not. I 24 was cc'd, and somebody else in our chain of 25 command was dealing with it. I don't know</p>	<p style="text-align: right;">Page 233</p> <p>1 the Summit County Jail, does corrections 2 investigate how that took place? 3 A. On some of them we do, yes. 4 Q. Why don't you investigate all of 5 them? 6 A. Because sometimes it could be 7 assigned to the detective bureau to -- to 8 investigate. 9 Q. Why are some assigned to the 10 detective bureau? 11 A. Because the staffing levels in the 12 jail are such that ordering nine or ten guys 13 over a shift to cover our shift because we need 14 the staffing, and if it looks it's going to be 15 an in-depth, lengthy investigation, we'll 16 assign a detective to do it. 17 Q. What are the factors that would 18 make an investigation more likely to be an 19 in-depth, lengthy investigation? 20 A. There would be a lot of discretion 21 involved on the person that makes the 22 assignment of the investigation, whether it's 23 myself, the jail commander, or a shift 24 lieutenant could do it. Just numerous factors: 25 The deputy that he has on staff during those</p>

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1 days is -- assuming that it's able to conduct
 2 an investigation, does he have the manpower. A
 3 lot of considerations.
 4 Q. So a shift lieutenant could call up
 5 the detective bureau and ask them to come over
 6 to take over an investigation into drug
 7 smuggling?
 8 A. Yes.
 9 Q. And that doesn't require any kind
 10 of approval or oversight from someone higher on
 11 the chain of command?
 12 A. No. The only thing that I would
 13 expect is a -- some type of notification that
 14 we did -- that they did that.
 15 Q. For the incidents that are
 16 investigated directly by corrections, how do
 17 those investigations take place?
 18 A. No different than any other
 19 investigation. They try to interview the
 20 people, gather the evidence, and if charges are
 21 appropriate, file the charges.
 22 Q. When you say "file the charges,"
 23 charges against whom?
 24 A. If we can find who -- if we can
 25 find the person that may have had any of the

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1 contraband we find or anybody that tried to get
 2 it into the facility, we'll make charges if
 3 they're -- run it by the prosecutor and see if
 4 we can get charges approved.
 5 Q. Have there ever been incidents in
 6 which somebody who is not an inmate, a parolee,
 7 or a person on probation from the jail was
 8 convicted for smuggling drugs into the jail?
 9 A. Since I've been a captain in the
 10 jail, since 2011, I don't think that's
 11 occurred. That doesn't ring a bell with me.
 12 Q. Have you encountered people trying
 13 to smuggle drugs into the jail through the
 14 mail?
 15 A. We -- not me personally, but my
 16 staff has encountered the -- the envelope. Not
 17 the person.
 18 Q. Are there particular -- let me ask
 19 it a different way.
 20 Which drugs have been attempted to
 21 be smuggled into the jail by mail?
 22 A. I know that fentanyl has been
 23 attempted to be smuggled in through the --
 24 through the mail system.
 25 Q. Are you aware of any drugs other

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1 than fentanyl?
 2 A. Not that I can recall right now.
 3 Q. What steps have you taken to
 4 prevent the smuggling of drugs into the jail by
 5 mail?
 6 A. We've -- we've given our inmate
 7 service staff, who are the ones that screen the
 8 mail when it comes in, we've given them
 9 additional training to screen the mail, given
 10 them different -- given them more precautions,
 11 likes gloves and that kind of stuff, to -- when
 12 they screen the mail. And then downstairs, the
 13 security and the deputy staff also screens the
 14 mail again before it's given to the inmate.
 15 Q. Are there any monetary costs
 16 associated with the screening of the mail
 17 that -- that Summit County Corrections does?
 18 MR. LEDLIE: Object to the form.
 19 Asked and answered.
 20 A. I wouldn't know what those would
 21 be.
 22 MS. WU: I think we're just going
 23 to switch the mic.
 24 Let us know if you want to take a
 25 break.

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1 THE WITNESS: When we get done.
 2 EXAMINATION OF SHANE BARKER
 3 BY MS. WU:
 4 Q. Good afternoon, Captain Barker.
 5 A. Hello again.
 6 Q. So earlier today you testified that
 7 you believe that there's an opioid epidemic in
 8 Summit County, correct?
 9 A. Yes.
 10 Q. What programs, if any, has the
 11 Department of Corrections implemented in order
 12 to address that opioid crisis?
 13 A. You mean on the state level?
 14 Q. The Summit Corrections Division,
 15 specifically.
 16 A. We're not really a treatment
 17 facility, so we -- you know, if we've done some
 18 stuff outside, in the community, that I don't
 19 know about, that may have happened, but that's
 20 not what we do inside the ja- -- our jail.
 21 Q. Are there -- aside from inmate
 22 treatment, are there any other changes that the
 23 Summit County Corrections Division has
 24 implemented in reaction to the opioid crisis
 25 that you referenced earlier today?

<p style="text-align: right;">Page 238</p> <p>1 A. Yes, there's been a lot of changes: 2 additional staff training, additional staff 3 assigned to handle suicidal-type inmates, which 4 happens when you're withdrawing from whatever 5 they may have taken. We've added equipment, 6 we've -- and added staff where -- where we need 7 to put it at. We've changed the way we 8 transport inmates to and from court, in and out 9 of the jail. Made a lot of changes. 10 Q. I'd like to ask you to walk me 11 through those changes that you've just 12 referenced. 13 What types of training has the 14 Summit Corrections Division implemented in 15 response to the opioid epidemic? 16 A. We've done training where the 17 sergeants will get together with the security 18 staff and go over -- you know, practice 19 pat-down techniques. We've trained in -- in 20 the body scanner. We train -- it's -- when 21 I -- when we have new deputies hired in, they 22 get a -- it's part of their on-job training 23 program where they get trained on how to do 24 proper pat-downs, how to -- not necessarily 25 detect, but see -- watch inmate behaviors that</p>	<p style="text-align: right;">Page 240</p> <p>1 been spoken to and given different equipment to 2 scan the mail that comes in. 3 Q. Is the training to identify 4 contraband coming into the jail specific to 5 screening for potential opioid substances? 6 MR. LEDLIE: Object to the form of 7 the question. 8 A. We screen for everything. 9 Q. So it's not specific to opioids? 10 A. All of this stuff has increased in 11 the last several years because of what's going 12 on, and it -- it makes our staff have to work 13 that much harder, and it's happened in the last 14 seven, eight years that I've been there. 15 Q. Other than the training, which has 16 focused on screening for contraband, is there 17 any other training, which the corrections 18 division has implemented in response to the 19 opioid crisis that you've referenced today? 20 A. It's just a -- a different way of 21 life in the jail that my staff has to deal 22 with, that we're always looking for, you know, 23 pills they'll be getting in, any type of opioid 24 that people may have used and coming down off 25 of. It's just changed the whole way we do</p>
<p style="text-align: right;">Page 239</p> <p>1 they may be carrying something or may be on 2 something. We've introduced training for that. 3 It's been an ongoing thing the last several 4 years. 5 Q. Is any of the training that you 6 just described specific to opioids? 7 MR. LEDLIE: Object to the form of 8 the question. 9 A. It's specific to any type of 10 contraband. 11 Q. When did you first implement the 12 training you described in order to look for 13 contraband? 14 A. The scanner went in in August of 15 '17. The staff had to be trained on that. The 16 FTO, field training officer program, we put new 17 deputies through was always an evolving thing. 18 It's always updated, always changed. 19 The -- the pat-downs with the 20 deputies, several years ago we began, you know, 21 showing them videos of proper pat-downs, 22 showing them videos of themselves patting 23 people down so they can kind of critique 24 themselves. 25 The inmate service workers have</p>	<p style="text-align: right;">Page 241</p> <p>1 business in the last several years. 2 Q. Now, going back to the training 3 related to screening for contraband, what 4 costs, if any, has the corrections division 5 incurred in order to implement the trainings 6 you cited? 7 MR. LEDLIE: Object to the form of 8 the question. Asked and answered. 9 A. I wouldn't know about the costs. 10 Q. How would you go about monetizing 11 the costs of implementing the trainings you 12 described to screen for contraband? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. I wouldn't be the one doing that. 16 Q. Did you have to request any 17 additional funding in order to implement the 18 training measures you described to screen for 19 contraband? 20 A. We've been asking for additional 21 staff and additional training classes for the 22 last five to seven years since I've been in the 23 jail as a captain. We're always asking for 24 additional training and/or staff. 25 Q. Did you make any specific requests</p>

<p style="text-align: right;">Page 242</p> <p>1 for the trainings related to screening for 2 contraband?</p> <p>3 A. Yes. The scanner's a good example.</p> <p>4 Q. Other than the scanner, is there 5 any other specific request that you made in 6 order to obtain funding -- funding to train 7 corrections staff to screen for contraband?</p> <p>8 MR. LEDLIE: Object to the form of 9 the question.</p> <p>10 A. We're -- we're always asking for 11 additional training.</p> <p>12 Q. Is there any -- have you ever 13 requested funding for training specific to 14 responding to the opioid crisis?</p> <p>15 MR. LEDLIE: Object to the form of 16 the question. Asked and answered repeatedly at 17 this point.</p> <p>18 A. We always ask for training funds.</p> <p>19 Q. Have any of those been -- those 20 requests been specifically to obtain funds to 21 address the opioid crisis?</p> <p>22 A. We're asking for training funds all 23 the time.</p> <p>24 Q. So I'm going to read my question 25 again, just because I want the record to be</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. The SecurPASS was specific to the 2 use of opioid drugs?</p> <p>3 A. Yes, because we were finding an 4 inordinate amount getting inside the facility, 5 because they were very small and hard to 6 detect.</p> <p>7 Q. Does the SecurPASS screen for 8 substances -- substances other than opioid 9 drugs?</p> <p>10 A. Yes.</p> <p>11 Q. A second category of response you 12 identified was responding to suicidal inmates. 13 What does that entail?</p> <p>14 A. So through my experience the last 15 few years in the jail and talking with mental 16 health and with medical, because I don't -- I'm 17 worried about the security of the jail, we're 18 getting a lot of inmates that are attempting, 19 have been successful, and make suicidal 20 threats.</p> <p>21 So I'm told from -- and in my 22 training that I have gone to, that people that 23 are coming off opioids are depressed. And 24 we're seeing a spike in how many people we are 25 monitoring for suicide precautions.</p>
<p style="text-align: right;">Page 243</p> <p>1 clear, so bear with me.</p> <p>2 Have any of the funds you've 3 requested been specific -- specifically to 4 obtain funds to address the opioid crisis?</p> <p>5 A. We ask for training funds all of 6 the time. I don't know the specificity of the 7 request. It's -- our staff needs training.</p> <p>8 Q. So, no, none of the --</p> <p>9 MR. LEDLIE: Object to the form.</p> <p>10 Q. -- requests have been specific --</p> <p>11 MR. LEDLIE: Sorry. Are you done? 12 I'll wait. Before you -- are you done with 13 your question? Because I cut you off.</p> <p>14 MS. WU: I wasn't.</p> <p>15 MR. LEDLIE: I apologize.</p> <p>16 MS. WU: So I was just going to --</p> <p>17 MR. LEDLIE: Yeah.</p> <p>18 Q. So none of your requests for 19 additional funding have been specific to your 20 response to the opioid crisis you've cited 21 today, correct?</p> <p>22 MR. LEDLIE: Object to the form of 23 the question. Asked and answered.</p> <p>24 A. Always asking for training. The 25 SecurPASS was specific to that.</p>	<p style="text-align: right;">Page 245</p> <p>1 Q. What are the suicide precautions 2 that you're referencing?</p> <p>3 A. They're put in a cell by themselves 4 without anything except a -- a gown that is -- 5 you can't tear or rip to make a noose, and a 6 blanket that's the same type of material. And 7 then I have to assign a staff member to watch 8 that inmate for signs of life every 10 minutes.</p> <p>9 Q. Within the last year, how many 10 inmates in the corrections facilities you 11 manage have been put on suicide watch? Or I 12 should say suicide precautions?</p> <p>13 A. It's more than I have ever seen, 14 but I don't have a number.</p> <p>15 Q. Is that number tracked?</p> <p>16 A. Probably not specifically tracked, 17 but we do maintain -- so they have to be 18 watched, they have to be seen every 10 minutes. 19 There's logs on that. Those logs are scanned 20 in and -- and kept.</p> <p>21 Q. If we wanted to determine how many 22 inmates in the Summit system were put under 23 suicide precautions within the last year, what 24 documents would we need to consult?</p> <p>25 A. We'd need to go and look at the --</p>

<p style="text-align: right;">Page 246</p> <p>1 the 10-minute -- we call them a 10-minute 2 observation log. Have to go look at those. 3 Q. Are there any documents, which are 4 created when an inmate is put on -- under 5 suicide precautions? 6 A. Generally, it's just the -- 7 there'd be an entry in the shift commander and 8 on the pod log. The pod log is a running log 9 of what happened on the pod that day. And then 10 the shift commander log, they would enter in 11 that that inmate so-and-so was put into suicide 12 precautions, and then the 10-minute log would 13 be started. 14 And if there was any -- if we had 15 to, for instance, somebody didn't want to 16 remove their clothing and go into a suicide 17 gown and we had to assist them, we'd -- we'd 18 write a report on that. 19 Q. Who determines whether an inmate is 20 put under suicide precautions? 21 A. When they tell a deputy -- when 22 they make a certain statement to a deputy 23 after -- after they're asked a question, the 24 deputy will go ahead and put them in suicide 25 precautions. Or when they talk to their mental</p>	<p style="text-align: right;">Page 248</p> <p>1 potential suicide precautions include 2 consideration of whether an inmate has abused 3 drugs? 4 THE WITNESS: Am I still on over 5 there? 6 A. It's -- it's a general question 7 that's asked. It's -- the question is, without 8 having it in front of me, "Do you feel 9 suicidal? Do you want to hurt yourself?" It's 10 kind of a general question. 11 Q. Do you know what proportion of 12 inmates placed under suicide precautions within 13 the last year had abused drugs? 14 A. No, I don't. 15 Q. Do you know what proportion of 16 inmates placed under suicide precautions within 17 the last year had abused an opioid substance? 18 MR. LEDLIE: Object to the form of 19 the question. 20 A. No, I do not. 21 Q. Is that information recorded 22 anywhere? 23 A. It -- it -- I -- I don't know. I'd 24 be speculating. 25 Q. Do you know if the number of</p>
<p style="text-align: right;">Page 247</p> <p>1 health worker that's at the jail and they make 2 comments to let us know, and then we'll put 3 them in. 4 Q. Are there any policies or 5 procedures in place that guide corrections 6 staff as to when to -- to put an inmate under 7 suicide precautions? 8 A. There is policy, and there is 9 training every year on that, but it is -- 10 it's -- it's -- it usually happens a lot at the 11 booking window. We will ask them certain 12 questions, one of them being, "Do you feel like 13 harming yourself? Do you feel like killing 14 yourself?" And if we get "yes" to those 15 questions, they go in those precautions. Or 16 back on the pods, they would go into those 17 precautions. 18 Q. Is any aspect of the protocol used 19 to screen inmates for suicide precautions based 20 on use of drugs? 21 MR. LEDLIE: Object to the form of 22 the question. 23 A. I don't know how many that would 24 be. 25 Q. Does your screening of inmates for</p>	<p style="text-align: right;">Page 249</p> <p>1 inmates placed under suicide precautions in the 2 last year is more or less than in the previous 3 year? 4 A. It has been a growing problem for 5 the last several years. Whether we have more 6 this year than last year, I don't know. I just 7 know that we didn't have -- I -- I didn't see 8 this issue when I was there as a sergeant, a 9 deputy, and -- and a lieutenant. It's really 10 increased in the last several years. 11 Q. Other than the opioid issues that 12 you've cited, are there any other factors that, 13 in your opinion, have increased the number of 14 inmate -- inmates requiring imposition of 15 suicide precautions? 16 A. I don't know. I don't have that 17 type of training. 18 Q. Have you ever stated the opinion 19 that the increase in inmates who have need for 20 suicide precautions is based on men- -- mental 21 health deficiencies in the jail? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. I don't know if I'm -- said that or 25 not.</p>

<p style="text-align: right;">Page 250</p> <p>1 Q. Do you know what proportion of the</p> <p>2 inmates who have been placed under suicide</p> <p>3 precautions within the last year have a</p> <p>4 diagnosed mental health issue?</p> <p>5 A. I would not have that information.</p> <p>6 Q. Is that information tracked?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know -- do you know what</p> <p>9 amount of money the corrections division has</p> <p>10 expended within the last year in order to fund</p> <p>11 the cost of services for inmates under suicide</p> <p>12 precautions?</p> <p>13 A. I do not.</p> <p>14 Q. How would we determine that?</p> <p>15 MR. LEDLIE: Object to the form.</p> <p>16 A. I don't -- I don't know where you</p> <p>17 would go to get that information.</p> <p>18 Q. Another category of response you</p> <p>19 identified was staffing.</p> <p>20 What are the staffing measures that</p> <p>21 the corrections division has implemented in</p> <p>22 response to the opioid crisis we've discussed</p> <p>23 today?</p> <p>24 A. So every day the shift commander</p> <p>25 comes in and -- and starts his shift lineup,</p>	<p style="text-align: right;">Page 252</p> <p>1 that an inmate was placed under suicide</p> <p>2 precautions because that inmate was suicidal</p> <p>3 because he was not able to obtain his drug of</p> <p>4 choice?</p> <p>5 A. I don't think I've heard that in</p> <p>6 the -- in a couple months. I just know that</p> <p>7 when we sit down and talk -- I mean, we sit</p> <p>8 down and talk as a -- as a staff, and one of</p> <p>9 the things that's being brought up is the</p> <p>10 excessive use of suicide precautions, and they</p> <p>11 tell me that is a result of that.</p> <p>12 Q. Who -- who has told you that?</p> <p>13 A. It would be my mental health and my</p> <p>14 medical staff inside the building.</p> <p>15 Q. Could you identify those personnel</p> <p>16 by name?</p> <p>17 A. It would be Ruthann that's in</p> <p>18 charge of the mental health, and Theresa that</p> <p>19 was in charge of the medical. And then, when</p> <p>20 I've gone to ADM Board, I know that's something</p> <p>21 that's spoken about.</p> <p>22 Q. Staying within your experience in</p> <p>23 the corrections division, when is the last time</p> <p>24 that someone reported to you that an inmate</p> <p>25 needed to be placed under suicide precautions</p>
<p style="text-align: right;">Page 251</p> <p>1 and will staff it appropriately, which usually</p> <p>2 includes, using just an example, Monday we had</p> <p>3 to order nine people over from the midnight</p> <p>4 shift to the day shift to staff the jail. And</p> <p>5 the reason -- part of the reason we do that is</p> <p>6 because we have so many suicide gowns now from</p> <p>7 people that are depressed because they can't</p> <p>8 get their -- their drug of choice anymore.</p> <p>9 They're on suicide, and we have to</p> <p>10 put additional staffing in place to watch them</p> <p>11 every 10 minutes. You can't run a pod and</p> <p>12 watch a single, maybe even three or four</p> <p>13 inmates, and run the pod effectively.</p> <p>14 Q. What's the basis for your opinion</p> <p>15 that inmates placed under suicide precautions</p> <p>16 are suicidal because they cannot obtain their,</p> <p>17 in your words, drug of choice?</p> <p>18 A. Because I talk to the medical and</p> <p>19 mental health professionals in the course of my</p> <p>20 daily activities, walking through the jail,</p> <p>21 talking to everybody, and always asking, "Why</p> <p>22 are we seeing this increase?" And that's the</p> <p>23 information I'm being told by the medical and</p> <p>24 mental health professionals.</p> <p>25 Q. When's the last time you were told</p>	<p style="text-align: right;">Page 253</p> <p>1 because he or she could not receive his drug of</p> <p>2 choice?</p> <p>3 MR. LEDLIE: Object to the form.</p> <p>4 A. I don't know. It's an ongoing --</p> <p>5 it's an ongoing issue.</p> <p>6 Q. How many times within the last year</p> <p>7 did you receive information that an inmate</p> <p>8 needed to be placed under suicide precautions</p> <p>9 because he or she could not receive his drug of</p> <p>10 choice?</p> <p>11 A. I don't know how many times that</p> <p>12 happened.</p> <p>13 Q. More than five?</p> <p>14 A. Yes.</p> <p>15 Q. More than ten?</p> <p>16 A. Yes.</p> <p>17 Q. More than 20?</p> <p>18 A. Just be guessing now. Don't know.</p> <p>19 Q. All right. Do you know what</p> <p>20 proportion of instances, in which you were so</p> <p>21 advised, the drug of choice was an opioid</p> <p>22 substance?</p> <p>23 A. No, I do not.</p> <p>24 Q. Have you tracked that information</p> <p>25 anywhere?</p>

<p style="text-align: right;">Page 254</p> <p>1 A. I have not.</p> <p>2 Q. Do you know the costs -- do you</p> <p>3 have any idea what the cost has been, in</p> <p>4 monetary terms, to the corrections division in</p> <p>5 order to staff in response to the opioid crisis</p> <p>6 that you've discussed today?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question. Vague. And asked and answered.</p> <p>9 A. I would not have any of that</p> <p>10 information.</p> <p>11 Q. Do you know what records we would</p> <p>12 have to consult in order to make that</p> <p>13 determination?</p> <p>14 A. No, I would not.</p> <p>15 Q. The fourth category of response</p> <p>16 that you identified --</p> <p>17 MR. LEDLIE: Before we move to</p> <p>18 another category, could I please have just 10</p> <p>19 minutes? It's been more than an hour.</p> <p>20 MS. WU: Certainly, yes.</p> <p>21 THE VIDEOGRAPHER: Going off the</p> <p>22 record at 3:32 p.m.</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: Back on the</p> <p>25 record at 3:55 p.m.</p>	<p style="text-align: right;">Page 256</p> <p>1 in the -- on the -- in the scanner. Busy court</p> <p>2 day, we may scan 80 to 100 on -- on the</p> <p>3 machine.</p> <p>4 Q. And in what way has your</p> <p>5 department's transfer actions changed in</p> <p>6 response to the opioid crisis?</p> <p>7 A. So prior to that, the inmates would</p> <p>8 leave the facility, go to court, they'd come</p> <p>9 back in, and they would get a -- a physical</p> <p>10 pat-down by the deputies, a hand pat-down.</p> <p>11 Now they get that, and they get</p> <p>12 sent through the body scanner, which takes</p> <p>13 about -- it's about two minutes an inmate. And</p> <p>14 like I said, there's sometimes upwards of 100</p> <p>15 inmates that have to go through it, so now we</p> <p>16 have to staff that additionally</p> <p>17 Monday through -- actually Monday through</p> <p>18 Saturday.</p> <p>19 Q. Is that transfer -- and, more</p> <p>20 specifically, screening policy specific to</p> <p>21 screening for opi- -- opioid drugs?</p> <p>22 MS. LEYIMU: Object to the form.</p> <p>23 A. We got it because we were seeing an</p> <p>24 increase in -- in those types of items being</p> <p>25 attempted to be -- to be -- to get smuggled</p>
<p style="text-align: right;">Page 255</p> <p>1 BY MS. WU:</p> <p>2 Q. Captain Barker, before we took a</p> <p>3 break, we were talking about the correction</p> <p>4 division's response to the opioid crisis that</p> <p>5 you identified today, right?</p> <p>6 We had gotten up to the fourth</p> <p>7 category of response that you identified, and</p> <p>8 which what -- which you referred to as</p> <p>9 "transfer." What does transfer entail?</p> <p>10 A. Could you give me the context? Was</p> <p>11 that the things -- I guess I don't remember</p> <p>12 what I meant by "transfer."</p> <p>13 Q. Certainly. Before the break, I'd</p> <p>14 asked you in what ways the corrections division</p> <p>15 had responded to the opioid crisis, that you</p> <p>16 discussed earlier today. Do you remember that?</p> <p>17 A. I do.</p> <p>18 Q. You identified four general</p> <p>19 categories of response: training, dealing with</p> <p>20 suicidal inmates, staffing, and transfer was</p> <p>21 number four.</p> <p>22 A. I was referring to maybe when</p> <p>23 inmates are transferred to and from the jail,</p> <p>24 to the courts, and back again. It takes them</p> <p>25 outside of the security, so we scan them again</p>	<p style="text-align: right;">Page 257</p> <p>1 into the facility.</p> <p>2 Q. When did you first see that</p> <p>3 attempt -- that increase in attempted smug- --</p> <p>4 smuggling of opioid drugs?</p> <p>5 A. The increase was already starting</p> <p>6 to tick up when I got there in 2011 as a</p> <p>7 captain, and it continued to rise over the last</p> <p>8 few years.</p> <p>9 Q. When did you implement these -- the</p> <p>10 changes in transfer or screening policies that</p> <p>11 you've described?</p> <p>12 A. That would have been August of</p> <p>13 2017.</p> <p>14 Q. Why did it take at least six years</p> <p>15 in order to implement those changes in your</p> <p>16 policies?</p> <p>17 MS. LEYIMU: Object to the form.</p> <p>18 A. I don't know why it would have</p> <p>19 taken that long.</p> <p>20 Q. Did you have any involvement in an</p> <p>21 effort to change the transfer and screening</p> <p>22 policies prior to 2017?</p> <p>23 A. Yes. We were hearing, through</p> <p>24 professional circles and conferences that we go</p> <p>25 to, that there was a new technology</p>

<p style="text-align: right;">Page 258</p> <p>1 specifically designed for this. Several 2 companies manufactured it. We went out and did 3 research on it, asked for it during several 4 budgetary cycles, and eventually received it in 5 August of '17. 6 Q. When did you first submit a request 7 to receive the scanning technology? 8 A. I don't know for sure, but I think 9 it was probably at least two budgetary cycles 10 before we got it. 11 Q. Were you advised why you didn't 12 receive the funding before 2017? 13 A. Not the reason. Just no. 14 Q. Other than the four categories of 15 response we've just discussed, are there any 16 other additional categories of response that 17 the corrections department has undertaken in 18 response to the opioid crisis you've discussed 19 today? 20 A. You know, there -- there probably 21 is. It's -- it's been an on- -- it's -- it's 22 an ongoing issue we've been dealing with for 23 the last several years. We just didn't have 24 these types of issues when I was in corrections 25 in my previous assignments. I'm wracking my</p>	<p style="text-align: right;">Page 260</p> <p>1 some time, and we continue to do it. 2 Q. To your knowledge, has the 3 corrections division incurred any additional 4 costs associated with providing addiction 5 treatment services to inmates, based on the use 6 and abuse of opioid drugs? 7 A. There is -- you know, my staff are 8 there delivering supervisory services. The 9 mental health and the medical are providing 10 those services. I don't know the dollar 11 amount, but it takes our staff's -- my staff a 12 lot of time to deal with those types of 13 situations. They're being paid for their time. 14 Q. How many staff members are involved 15 in providing addiction treatment services to 16 inmates within your facilities? 17 A. None that would be sheriff's office 18 personnel. 19 Q. What personnel is involved in 20 providing addiction treatment services? 21 A. The mental health provider. And I 22 don't know how many they use to do that. 23 Q. Do you know what proportion of the 24 time -- what proportion of the mental health 25 provider's time is dedicated to providing</p>
<p style="text-align: right;">Page 259</p> <p>1 brain trying to come up with more that we have 2 done, but we've -- it's an ongoing issue. It's 3 a daily thing that we're trying to manage the 4 care of the inmates and keep that -- keep those 5 types of things out of the facility. 6 Q. What, if any, addiction treatment 7 programs are currently provided to inmates in 8 Summit corrections facilities? 9 MS. LEYIMU: Object to the form. 10 Asked and answered. 11 A. What the mental health provides. 12 Q. What are the services that the 13 mental health services program provides to 14 inmates? 15 A. Well, they provide services one on 16 one with the inmates, and we still have the 17 Narcotics Anonymous being run. 18 Q. Have the addiction treatment 19 services provided to inmates changed in any way 20 in response to the opioid epidemic that you've 21 referenced today? 22 MS. LEYIMU: Object to the form. 23 A. I -- I don't know about it -- I 24 can't answer that question with regards to -- 25 to our facility. We have been doing that for</p>	<p style="text-align: right;">Page 261</p> <p>1 addiction treatment services for opioid 2 addiction? 3 MS. LEYIMU: Object to the form. 4 A. I don't know how much time they put 5 in for that. 6 Q. Do you know if they record their 7 time in a way that would allow us to determine 8 that? 9 A. I don't know. 10 Q. I'd like to mark as Exhibit 14 11 SUMMIT_001128847. 12 - - - - - 13 (Thereupon, Deposition Exhibit 14, 14 Summit County Sheriff's Office 2003 15 Annual Report, SUMMIT_001128847 to 16 001128894, was marked for purposes 17 of identification.) 18 - - - - - 19 Q. Captain Barker, are you familiar 20 with Exhibit 14? 21 A. Yes. I've seen this before. 22 Q. What is it? 23 A. This is our yearly report that we 24 put out. 25 Q. And is this the report for 2003?</p>

<p style="text-align: right;">Page 262</p> <p>1 A. Yes, it is.</p> <p>2 Q. Did you have a role in the</p> <p>3 corrections division in 2003?</p> <p>4 A. I believe I was a jail lieutenant</p> <p>5 at that time.</p> <p>6 Q. Would you have had any involvement</p> <p>7 in preparing the annual report for 2003?</p> <p>8 A. Probably not back then, unless</p> <p>9 there's a short little bio in here of me. I</p> <p>10 don't know. I'd have to read through it.</p> <p>11 Q. Captain Barker, I'd like to call</p> <p>12 your attention to page 36 of the report, which</p> <p>13 is identified as -- with the Bates number</p> <p>14 ending 8883.</p> <p>15 A. Okay. 8883? I -- I have that.</p> <p>16 Q. Okay. At the last paragraph on</p> <p>17 that page, reads, "Summit County Jail mental</p> <p>18 health unit provides mental health and chemical</p> <p>19 dependency services to inmates in the jail</p> <p>20 through a variety of programs, including mental</p> <p>21 health assessment, referral for continuing</p> <p>22 community services, individual counseling,</p> <p>23 chemical dependency groups," and on from there.</p> <p>24 Is this report consistent with your</p> <p>25 recollection of the services provided to</p>	<p style="text-align: right;">Page 264</p> <p>1 A. That would probably be our fiscal.</p> <p>2 Q. All right. So I'd like to mark as</p> <p>3 Exhibit 15 a document identified as</p> <p>4 SUMMIT_001128895.</p> <p>5 - - - - -</p> <p>6 (Thereupon, Deposition Exhibit 15,</p> <p>7 Summit County Sheriff's Office 2004</p> <p>8 Annual Report, SUMMIT_001128895 to</p> <p>9 001128940, was marked for purposes</p> <p>10 of identification.)</p> <p>11 - - - - -</p> <p>12 Q. Captain Barker, are you familiar</p> <p>13 with Exhibit 15?</p> <p>14 A. Yes. It's another yearly report.</p> <p>15 Q. And this is the bureau report for</p> <p>16 2004, correct?</p> <p>17 A. Yes, 2004.</p> <p>18 Q. And you were employed as a</p> <p>19 lieutenant in the corrections division as of</p> <p>20 2004, correct?</p> <p>21 A. At some point in time that year, I</p> <p>22 was transferred out to patrol. I want to say</p> <p>23 it was July or August of -- of that year.</p> <p>24 Q. You did serve in the corrections</p> <p>25 division for a period during 2004, correct?</p>
<p style="text-align: right;">Page 263</p> <p>1 inmates as of 2003?</p> <p>2 A. Yes, I would think that was</p> <p>3 accurate.</p> <p>4 Q. Do you know what the chemical</p> <p>5 dependency groups involved?</p> <p>6 A. That's the -- from my</p> <p>7 understanding, that's part of the -- excuse</p> <p>8 me -- the Narcotics Anonymous. A lot of these</p> <p>9 programs have gone away since then.</p> <p>10 Q. Is it -- are chemical dependency</p> <p>11 groups currently offered to inmates in the</p> <p>12 Summit corrections facilities?</p> <p>13 A. I'm sorry.</p> <p>14 Q. No problem.</p> <p>15 A. Narcotics Anonymous is currently</p> <p>16 offered.</p> <p>17 Q. Looking at Exhibit 14, were the</p> <p>18 chemical dependency programs offered in 2003</p> <p>19 offered at any cost to the sheriff's</p> <p>20 department?</p> <p>21 MS. LEYIMU: Object to the form of</p> <p>22 the question.</p> <p>23 A. I -- I wouldn't know anything about</p> <p>24 the costs involved with that.</p> <p>25 Q. Who would know?</p>	<p style="text-align: right;">Page 265</p> <p>1 A. Yes, that's correct.</p> <p>2 Q. I'd like to call your attention to</p> <p>3 page 37 of this document, which is identified</p> <p>4 with the Bates ending 8931. On this page, we</p> <p>5 see a section related to inmate services. It</p> <p>6 says, "Inmate services provides a link to the</p> <p>7 inmate with the community outside the facility.</p> <p>8 They arrange necessary telephone calls for</p> <p>9 inmates when no other means of communication is</p> <p>10 available, notarize legal papers, and</p> <p>11 coordinate the religious, recreational,</p> <p>12 educational, and other programming (Alcoholics</p> <p>13 Anonymous, Narcotics Anonymous, etc.) for the</p> <p>14 inmates."</p> <p>15 Is this consistent with your</p> <p>16 recollection that both Alcoholics Anonymous and</p> <p>17 Narcotics Anonymous programming was offered to</p> <p>18 inmates as of 2004?</p> <p>19 A. Yes, I believe back then that was</p> <p>20 what was offered.</p> <p>21 Q. When was the Narcotics Anonymous</p> <p>22 program first instituted within the corrections</p> <p>23 facilities?</p> <p>24 A. I -- I don't know.</p> <p>25 Q. Do you know who was responsible for</p>

<p style="text-align: right;">Page 266</p> <p>1 providing the Narcotics Anonymous programming?</p> <p>2 A. Back then it would -- it would be a</p> <p>3 guess. I don't know.</p> <p>4 Q. Do you know how the inmate services</p> <p>5 within the corrections facilities are funded?</p> <p>6 A. No, I don't.</p> <p>7 Q. Do you know how many inmates</p> <p>8 participated in the Narcotics Anonymous program</p> <p>9 in 2004?</p> <p>10 A. It looks like there was probably</p> <p>11 1,800.</p> <p>12 Q. Do you track that information</p> <p>13 today?</p> <p>14 A. I don't know if we do or not. I</p> <p>15 haven't looked at a report lately.</p> <p>16 Q. Is it your responsibility to track</p> <p>17 the number of inmates who receive addiction</p> <p>18 treatment services?</p> <p>19 A. No.</p> <p>20 Q. Does anyone within the corrections</p> <p>21 division have that responsibility?</p> <p>22 A. The report's not -- the report is</p> <p>23 not generated from the corrections. We give</p> <p>24 the information to somebody in operations and</p> <p>25 they generate this report.</p>	<p style="text-align: right;">Page 268</p> <p>1 with Exhibit 16?</p> <p>2 A. Yes, I am.</p> <p>3 Q. What is it?</p> <p>4 A. It is the 2016 annual report.</p> <p>5 Q. Now, if I can call your attention</p> <p>6 to page 46, there's a description of inmate</p> <p>7 services and laundry.</p> <p>8 What is the inmate services</p> <p>9 subdivision of the corrections department?</p> <p>10 A. They're the department that</p> <p>11 provides special services to inmates.</p> <p>12 Q. Who's responsible for funding</p> <p>13 inmate services?</p> <p>14 A. I don't know where that funding</p> <p>15 comes from.</p> <p>16 Q. Do you have any oversight</p> <p>17 responsibility for inmate services?</p> <p>18 A. Yes. Inmate services, the</p> <p>19 supervisor for them reports to me.</p> <p>20 Q. And what is the nature of your</p> <p>21 supervisory responsibility for inmate services?</p> <p>22 A. She keeps me apprised of day-to-day</p> <p>23 operations of all the services we provide to</p> <p>24 the inmates. If there's any problem, she</p> <p>25 brings them to me. If anything needs to be</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. And when you mean operations, do</p> <p>2 you mean operations as a division within the</p> <p>3 sheriff's department?</p> <p>4 A. Yes. Anything that's not</p> <p>5 corrections.</p> <p>6 Q. Now, during the day today, we've</p> <p>7 talked a few times about Narcotics Anonymous,</p> <p>8 and I'll admit I'm a little bit confused.</p> <p>9 During what periods of time has</p> <p>10 Narcotics Anonymous programming been offered to</p> <p>11 inmates within the Summit corrections</p> <p>12 facilities?</p> <p>13 MS. LEYIMU: Object to the form.</p> <p>14 A. As far as I know, it's always been</p> <p>15 offered.</p> <p>16 Q. So I'd like to mark as Exhibit 16 a</p> <p>17 document identified as SUMMIT_000342376.</p> <p>18 - - - - -</p> <p>19 (Thereupon, Deposition Exhibit 16,</p> <p>20 Summit County Sheriff's Office 2016</p> <p>21 Annual Report, SUMMIT_000342376 to</p> <p>22 000342433, was marked for purposes</p> <p>23 of identification.)</p> <p>24 - - - - -</p> <p>25 Q. Captain Barker, are you familiar</p>	<p style="text-align: right;">Page 269</p> <p>1 solved, she'll bring it to me. We talk daily</p> <p>2 about those operations.</p> <p>3 Q. And when you say -- reference</p> <p>4 "she," to whom are you referring?</p> <p>5 A. Rebecca McCutchen.</p> <p>6 Q. So here on page 46 of Exhibit 16,</p> <p>7 in the first column, the second bullet reads,</p> <p>8 "Overseeing the administration of all inmate</p> <p>9 programs which are conducted on each housing</p> <p>10 unit in the inmate classrooms. These programs</p> <p>11 include Narcotics Anonymous and Bible studies."</p> <p>12 Do you see that?</p> <p>13 A. I see that.</p> <p>14 Q. Is the Narcotics Anonymous program</p> <p>15 specific to opioid drugs?</p> <p>16 MS. LEYIMU: Object to the form.</p> <p>17 A. I don't know the content of</p> <p>18 the meetings.</p> <p>19 Q. Is there -- does Ms. McCutchen have</p> <p>20 any responsibility to report to you about the</p> <p>21 Narcotics Anonymous program?</p> <p>22 A. So they schedule the Narcotics</p> <p>23 Anonymous with the inmates, and then the mental</p> <p>24 health staff conducts the meeting. So if</p> <p>25 there's any issues that may arise during those</p>

<p style="text-align: right;">Page 270</p> <p>1 meetings, it's brought to me.</p> <p>2 Q. When was the last -- when is the</p> <p>3 last time that an issue related to a Narcotics</p> <p>4 Anonymous meeting was brought to your atten- --</p> <p>5 attention?</p> <p>6 A. I -- I don't have any recollection</p> <p>7 of any issues going on with that particular</p> <p>8 program.</p> <p>9 Q. I'd like to call your attention,</p> <p>10 Captain Barker, to page 49 of Exhibit 16. And</p> <p>11 in particular, I'd like to ask you to look at</p> <p>12 the section titled "Behavioral Health</p> <p>13 Services." Do you see that?</p> <p>14 A. Yes, I see it.</p> <p>15 Q. It reads, "The Summit County Jail</p> <p>16 mental health unit is provided by Summit</p> <p>17 Psychological Associates, Inc., funded by the</p> <p>18 ADM, Alcohol Drug Addiction and Mental Health</p> <p>19 Services, Board of Summit County. Summit</p> <p>20 Psychological Associates, Inc., is a private</p> <p>21 agency founded in 1984."</p> <p>22 Is this information consistent with</p> <p>23 your knowledge of the provision of mental</p> <p>24 health services within the Summit jail system?</p> <p>25 A. Yes, it is.</p>	<p style="text-align: right;">Page 272</p> <p>1 a -- an issue with security that she can't</p> <p>2 render those services. So it's -- it's, again,</p> <p>3 it's work- -- making sure that the security</p> <p>4 staff and the mental health staff are working</p> <p>5 properly to get those services out.</p> <p>6 Q. When you referred to -- referred to</p> <p>7 she in that answer, to whom are you referring?</p> <p>8 A. Ruthann Paulus-Bland.</p> <p>9 Q. What's her role?</p> <p>10 A. She's a mental health coordinator.</p> <p>11 Q. How long has she served in that</p> <p>12 role?</p> <p>13 A. Probably close to four years.</p> <p>14 Q. When is that last time that Ruthann</p> <p>15 brought to your attention a problem with the</p> <p>16 provision of mental health services?</p> <p>17 A. Her and I talk daily. There is a</p> <p>18 lot of -- because they provide so much -- so</p> <p>19 many services now to inmates than they have in</p> <p>20 the past, and with our staffing levels at the</p> <p>21 jail being as low as they are, we can't always</p> <p>22 get the inmates to the social worker on a</p> <p>23 one-on-one basis, and she'll bring that to my</p> <p>24 attention and see how we can work that out</p> <p>25 and -- and get the -- get those services that</p>
<p style="text-align: right;">Page 271</p> <p>1 Q. Do you have any knowledge of the</p> <p>2 funding mechanism for the mental health</p> <p>3 services, which are provided within the Summit</p> <p>4 corrections system?</p> <p>5 A. I'm not exact -- you know, I don't</p> <p>6 know where they get their money from. They get</p> <p>7 it from the ADM Board, who gets it from a tax</p> <p>8 levy.</p> <p>9 Q. Do you have any involvement in</p> <p>10 manning -- managing the finances for the</p> <p>11 provision of mental health services within</p> <p>12 Summit corrections?</p> <p>13 A. No, I have none of that.</p> <p>14 Q. Do you have any oversight</p> <p>15 responsibility for the provision of mental</p> <p>16 health services by Summit Psychological</p> <p>17 Associates?</p> <p>18 A. Yes. The supervisor reports</p> <p>19 directly to me.</p> <p>20 Q. What is the nature of your</p> <p>21 supervisory responsibility?</p> <p>22 A. She will bring any problem that</p> <p>23 would arise when she's trying to provide mental</p> <p>24 health, all the services they provide, provide</p> <p>25 those to the inmates, and she runs into maybe</p>	<p style="text-align: right;">Page 273</p> <p>1 they need.</p> <p>2 Q. When is the last time that Ruthann</p> <p>3 brought a problem to your attention?</p> <p>4 A. Probably last week.</p> <p>5 Q. What was the nature of the problem</p> <p>6 she described to you?</p> <p>7 A. She was having a problem with a</p> <p>8 sergeant that wanted to put -- so she was</p> <p>9 having a problem with a sergeant that wanted to</p> <p>10 put the inmates in a lockup, which meant that</p> <p>11 the inmate couldn't meet with the social</p> <p>12 worker, and I had to go down there and make</p> <p>13 compromises between security staff and the</p> <p>14 mental health staff to get it -- to get it</p> <p>15 worked out.</p> <p>16 Q. Looking back at Exhibit 16, and</p> <p>17 looking at the second paragraph of the</p> <p>18 behavioral health services section, it reports</p> <p>19 that "The mental health staff is responsible</p> <p>20 for conducting substance abuse assessments for</p> <p>21 inmates."</p> <p>22 What does the substance abuse</p> <p>23 assessment entail?</p> <p>24 A. I'd never sat in and listened when</p> <p>25 they talk to the inmates. I don't know.</p>

<p style="text-align: right;">Page 274</p> <p>1 Q. Do you -- I'm sorry. I didn't mean 2 to step over you. 3 A. That's all right. 4 Q. Do you know what records, if any, 5 are kept, which record the results of the 6 substance abuse assessments performed on 7 inmates? 8 A. I know they keep files on the 9 inmates that they speak to, but I don't know 10 the contents of those. 11 Q. Do you have access to those files? 12 A. No, I do not. 13 Q. Now, if I can call your attention 14 to the third paragraph, staying in the 15 behavioral health services section, at the end, 16 it reads, "Additionally, the ADM Board is 17 funding a reentry coordinator to assist the 18 linkage of mentally ill and drug addicted 19 inmates to services once they have left the 20 jail. As part of the grant for this position, 21 the ADM Board is providing funding for 22 injectable medication such as Vivitrol to treat 23 cravings for opiates and alcohol." 24 Are you aware of this program? 25 A. I am -- ye- -- I am aware of it,</p>	<p style="text-align: right;">Page 276</p> <p>1 A. No, I'm not. 2 Q. So I'd like to mark as Exhibit 17 3 as document identified as SUMMIT_000342318. 4 - - - - - 5 (Thereupon, Deposition Exhibit 17, 6 Summit County Sheriff's Office 2015 7 Annual Report, SUMMIT_000342318 to 8 000342375, was marked for purposes 9 of identification.) 10 - - - - - 11 Q. Captain Barker, are you familiar 12 with Exhibit 17? 13 A. Yes, I am. 14 Q. What is it? 15 A. Sheriff's office 2015 annual 16 report. 17 Q. And what was your position in 2015? 18 A. I was a captain assigned to the 19 jail. 20 Q. And in that role, did you have 21 oversight responsibility for contracted 22 services? 23 A. Yes, I did. 24 Q. I'd like to ask you to look at page 25 46 of Exhibit 17, which is identified with the</p>
<p style="text-align: right;">Page 275</p> <p>1 yes. 2 Q. Do you have any oversight 3 responsibility for this program? 4 A. Not for the program, per se, but if 5 there would be a problem with it that she's not 6 able or her staff's not able to get it to work 7 properly, they would bring it to me. And I 8 have not heard any problems with the Vivitrol. 9 Q. Do you know how many inmates are 10 participating in this program? 11 A. I do not. 12 Q. Do you know if that information is 13 tracked? 14 A. I -- I don't know if it's tracked. 15 Q. Exhibit 16 indicates that the 16 Vivitrol program is funded through a grant. 17 Does that mean that there's no expenditure for 18 the Department of Corrections to maintain this 19 program? 20 MS. LEYIMU: Object to the form. 21 A. I'm not sure what that means. 22 Q. Are you aware of any financial 23 expenditure by the division of corrections to 24 fund this Vivitrol program? 25 MS. LEYIMU: Object to the form.</p>	<p style="text-align: right;">Page 277</p> <p>1 Bates stamp ending 2363. 2 A. Page 46. Okay, I have it. 3 Q. If I can call your attention to the 4 second paragraph on page 46, it reads, "In 5 August of 2009, due to budget constraints, the 6 staffing level for inmate services was cut from 7 17 employees. Current staffing includes five 8 full-time and three part-time employees. The 9 purpose of these employees is to ensure the 10 appropriately delivery of services and programs 11 to inmates in the jail." 12 Are you familiar with the budget 13 constraints identified in Exhibit 17? 14 A. I'm familiar that there's a -- has 15 been budgetary constraints. I'm just not sure 16 of the exact amounts. 17 Q. Do you understand the source of the 18 budget constraints, which are referenced in 19 Exhibit 17? 20 A. It would be the budget that we're 21 given through county council. 22 Q. Are those constraints in any way 23 related to the opioid epidemic that you've 24 testified about today? 25 MS. LEYIMU: Object to the form.</p>

<p style="text-align: right;">Page 278</p> <p>1 A. It's -- it -- like I said earlier, 2 it takes all of our -- takes all of my -- takes 3 a lot of my staff's time to screen inmates that 4 come and go from the jail, that we have to 5 shower female inmates as soon as they come in 6 the building now, and we're paying overtime to 7 have that done with the deputy staff. So, 8 yeah, it's -- it's a big portion of it. 9 Q. And it's -- it's your testimony 10 that the opioid crisis caused the layoffs that 11 are described in Exhibit 17, back in 2009? 12 MS. LEYIMU: Object to the form. 13 A. I don't know what the -- how the 14 budget was set. 15 Q. Do you have any understanding of 16 what caused the staffing reduction in 2009, 17 which is referenced in Exhibit 17? 18 A. It was a reduction in our funding. 19 Q. Do you know what caused the 20 reduction in your funding? 21 MS. LEYIMU: Object to the form. 22 A. No, I don't. 23 Q. Now, if I can ask you to look down 24 to the third bullet, it says, "Overseeing the 25 administration of all inmate programs." It</p>	<p style="text-align: right;">Page 280</p> <p>1 paragraph indicating that Narcotics Anonymous 2 was not provided to inmates is a mistake? 3 A. I'm saying that from everything 4 I've -- I've worked with since we've -- been 5 back in the jail as a captain, we've always had 6 Narcotics Anonymous. 7 Q. And would it surprise you to know 8 that this same sentence indicating that 9 Narcotics Anonymous was unavailable to inmates 10 appears in reports for the period 2009 through 11 2015? 12 MS. LEYIMU: Object to the form. 13 A. That would surprise me. 14 Q. Do you have any involvement in 15 treatment programs for inmates who are released 16 into -- outside of the -- outside of 17 corrections facilities? 18 A. No. That's not really what we deal 19 with. 20 Q. So I'd -- so I'd like to mark as 21 Exhibit 18 a document identified as 22 SUMMIT_001858599. 23 - - - - - 24 (Thereupon, Deposition Exhibit 18, 25 September/October 2017 E-Mail Chain</p>
<p style="text-align: right;">Page 279</p> <p>1 says, "Programs may be conducted in unit 2 classrooms, which allows for a more secured 3 environment and less inmate movement. Due to 4 the staffing cutbacks, many of the inmate 5 programs have been eliminated, including, but 6 not limited to, gym, library, chapel, 7 Alcoholics Anonymous and Narcotics Anonymous." 8 Does this indicate that for the 9 period 2009 to 2015, Narcotics Anonymous was 10 not offered to inmates? 11 MS. LEYIMU: Object to the form. 12 A. No. It is my understanding that 13 that has always been -- been offered. This is 14 a large report. I'm not saying it's wrong. 15 I'm just saying that sometimes information from 16 one division to another might not be 100 17 percent accurate. 18 Q. Have you had any responsibility for 19 preparing the materials, which are set forth in 20 Exhibit 17? 21 A. Very little. I direct the staff 22 that is under me to get the information to the 23 appropriate person, and then I'm responsible 24 for a bio of myself every year. 25 Q. Is it your testimony that the</p>	<p style="text-align: right;">Page 281</p> <p>1 Re: Issuing Narcan to Inmates Upon 2 Release, SUMMIT_001858599 to 3 001858600, was marked for purposes 4 of identification.) 5 - - - - - 6 Q. Captain Barker, are you familiar 7 with Exhibit 18? 8 A. Yes, I am. 9 Q. What is it? 10 A. It's an e-mail between Captain 11 Nicholas and Jackie Pollard. 12 Q. If we look at the very top, the 13 most recent e-mail reflected in Exhibit 18, 14 you'll see that it includes an e-mail from 15 Donna Nicholas to you; is that correct? 16 A. That's correct. 17 Q. So you've received this 18 correspondence previously? 19 A. Yes. 20 Q. Now, if I can call your attention 21 to the second page of this printed-out e-mail 22 chain, the page ending 8600, we see an e-mail 23 from Donna Nicholas to Jackie Pollard. Is that 24 correct? 25 A. Yes, that's correct.</p>

<p style="text-align: right;">Page 282</p> <p>1 Q. The subject matter is "issuing 2 Narcan to inmates upon release," correct? 3 A. Correct. 4 Q. In the text of this e-mail, 5 Ms. Nicholas reports, "MH currently screens 6 approximately 30 to 35 inmates a week regarding 7 opiate use." 8 Is that consistent with your 9 experience? 10 A. I really don't know how many they 11 screen. 12 Q. Do you have access to that 13 information? 14 A. I would have to go talk to mental 15 health and -- and find out if they would give 16 me those numbers. 17 Q. Does it fall within your 18 responsibilities to track the number of inmates 19 who are screened for opiate use? 20 MS. LEYIMU: Object to the form. 21 A. Not specifically. 22 Q. Further down in this e-mail, it's 23 the third to last paragraph, Ms. Nicholas 24 writes, "If the inmate is approved to receive 25 the Narcan kit, Ruthann would enter a hold in</p>	<p style="text-align: right;">Page 284</p> <p>1 the question. 2 A. I don't have an opinion. 3 Q. I'd like to mark as Exhibit 19 4 SUMMIT_001859672. 5 - - - - - 6 (Thereupon, Deposition Exhibit 19, 7 March 2014 E-Mail Chain Re: Oriana 8 E-Mail, SUMMIT_001859672 to 9 001859673, was marked for purposes 10 of identification.) 11 - - - - - 12 Q. Captain Barker, are you familiar 13 with Exhibit 19? 14 A. Yes, I am. 15 Q. What is it? 16 A. It's an e-mail from Lieutenant 17 Scott Cottle to myself about an incident at one 18 of the Oriana House facilities. 19 Q. Which Oriana House facility is 20 referenced? 21 A. 750 West Market Street. 22 Q. Is that -- is 750 West Market 23 Street part of the corrections department? 24 A. No, it's not. 25 Q. What was the nature of the</p>
<p style="text-align: right;">Page 283</p> <p>1 the jail system management for the inmate to 2 receive the kit upon release." 3 Are you familiar with a program to 4 provide Narcan kits to inmates upon release? 5 A. So this was a -- yes. This was a 6 program we discussed back then, and it still 7 has not been instituted. 8 Q. So there -- is it the case that 9 Narcan is not provided to inmates upon release? 10 A. That is the case, yes. 11 Q. How come the corrections division 12 has not adopted the recommendation to provide 13 Narcan to inmates upon release? 14 MS. LEYIMU: Object to the form. 15 A. I don't know all the reasons behind 16 the lack of a decision to do that. 17 Q. Have you been involved in the 18 consideration of whether or not to provide 19 Narcan to inmates upon release? 20 A. Yes. It's been briefly discussed 21 in staff meetings and things such as that. 22 Q. Do you have an opinion as to 23 whether or not Narcan should be provided to 24 inmates upon release? 25 MS. LEYIMU: Object to the form of</p>	<p style="text-align: right;">Page 285</p> <p>1 incident -- what is the nature of the incident 2 described in Exhibit 19? 3 A. Looks like there was some type of 4 overdose at the 750 West Market Street 5 facility, and we sent a deputy over there to 6 assist with that emergency. 7 Q. And would you agree that the 8 exchange that this e-mail reflects between you 9 and Greg Macko concerns the question of whether 10 or not it was your responsibility to respond to 11 that overdose incident; is that right? 12 A. I -- I think that's what the 13 discussion was here, yes. 14 Q. And if we look at the most recent 15 substantive e-mail in this chain, which is an 16 e-mail from Scott Cottle to you on March 4, 17 2014, Mr. Cottle writes, "I think they took the 18 ruling that Glenwood is part of SCJ to mean all 19 of Orianna." 20 Do you see that? 21 A. I do see that. 22 Q. Do you have an understanding of the 23 ruling referenced in that e-mail? 24 A. So it was -- what this e-mail is 25 about is that there was an incident at one of</p>

<p style="text-align: right;">Page 286</p> <p>1 Oriana House's facilities, and it wasn't one 2 that we provide security to like we do at the 3 Glenwood Jail. And they had an incident there, 4 and they called the Akron Police Department. 5 Akron said it was ours because we -- we provide 6 security at Glenwood Jail, which we don't. I'm 7 not exactly sure what this is, but I don't -- I 8 don't think it's a residential place. 9 But when somebody's calling for 10 help, it is in the county, we're -- you know, 11 we will go help. 12 Q. What is the relationship between 13 Orianna and the Glenwood facility? 14 A. They run the programming that's 15 provided at that facility. 16 Q. Does Orianna have any relationship 17 to the programming provided at the Summit jail? 18 A. They don't run any programming 19 at -- specifically at the jail, as far as I 20 know. It's what they will do is they will come 21 over and screen inmates to go to their -- their 22 residential facilities. 23 Q. Are you involved in coordinating 24 any services provided by Oriana House within 25 the corrections system?</p>	<p style="text-align: right;">Page 288</p> <p>1 MS. LEYIMU: Object to the form. 2 Asked and answered. 3 A. Other than the training that I 4 talked about earlier, which is stuff that we 5 provide to our staff. 6 Q. And that's the screening training 7 that you discussed earlier today? 8 A. Yes. 9 Q. Have you personally received any 10 training specific to opioids in law 11 enforcement? 12 MS. LEYIMU: Object to the form. 13 A. I received the same training that 14 the security staff receives. 15 Q. Have you received any other 16 training related to opioids? 17 A. I go to ADM Board meetings. I go 18 to American Jail Association conferences, and 19 there will be conferences and workshops on that 20 the -- on that topic that I will look in -- 21 that I will attend. So I do receive a little 22 more than the line staff would -- would 23 receive. 24 Q. How often do you attend ADM Board 25 meetings?</p>
<p style="text-align: right;">Page 287</p> <p>1 A. Other than getting them the time to 2 meet with the inmates. That's the level of my 3 interaction with regards to that. 4 Q. How are inmates identified to 5 receive screening from Orianna? 6 A. I'm not 100 percent sure how they 7 do that. It has something to do with their 8 charges. 9 Q. Do you have any knowledge of the 10 funding of the services that Orianna provides 11 inmates within the Summit corrections system? 12 A. I'm not familiar with the funding 13 at all. 14 Q. Are you involved in any of the 15 budget process to receive funds for the Summit 16 Psychological Associates services provided to 17 inmates? 18 A. No, I have nothing to do with that. 19 Q. Who is responsible for that budget 20 process? 21 A. I don't know. 22 Q. Captain Barker, does the Department 23 of Corrections have any training specific to 24 dealing with inmates suffering from opioid 25 addiction?</p>	<p style="text-align: right;">Page 289</p> <p>1 A. It really depends on when they 2 schedule it, and my schedule. It -- a few 3 times a year, and if I can't, I send a 4 repres- -- if I can't go, I send a 5 representative. 6 Q. Is it correct that the ADM Board 7 meets quarterly? 8 A. They do, but they have a lot of 9 other meetings besides that. 10 Q. Fair enough. 11 What is the nature of your 12 involvement with the ADM Board? 13 A. I'm the representative of the 14 sheriff's office to the ADM Board. 15 Q. How long have you served in that 16 capacity? 17 A. Probably for about five years. 18 Q. To what extent has your involvement 19 with the ADM Board focused on issues related to 20 opioid drugs? 21 A. That seems to be the topic that's 22 discussed an awful lot. And I have met 23 people throughout that I've known outside of 24 work that have had family members and children 25 that have been -- have used opiates and have</p>

<p style="text-align: right;">Page 290</p> <p>1 overdosed. It's -- it seems to be the topic of 2 discussion on most meetings that we have. 3 Q. What has been the nature of your 4 participation in -- with the ADM Board related 5 to opioid use and abuse in the Summit/Ak- -- 6 Summit/Akron area? 7 MS. LEYIMU: Object to the form. 8 You can answer. 9 A. Other than attending, I don't 10 really get involved, because it's -- I deal 11 with the security of the -- of the jail. It's 12 stuff that I learn that's happening elsewhere, 13 just besides the jail. 14 Q. So it's mostly informational? 15 A. Yes. 16 Q. Have you ever received Narcan 17 training? 18 A. I have not, no. 19 Q. Have other -- other employees of 20 the corrections division been trained to 21 provide inmates with Narcan? 22 A. Not that I'm aware of. 23 Q. Captain Barker, are -- is Narcan 24 currently available within the corrections 25 system?</p>	<p style="text-align: right;">Page 292</p> <p>1 2016 E-Mail Chain Re: Narcan Kits, 2 SUMMIT_001849991 to 001849993, was 3 marked for purposes of 4 identification.) 5 - - - - - 6 Q. Captain Barker, are you familiar 7 with Exhibit 20? 8 A. Yes, I'm familiar with it. 9 Q. What is it? 10 A. It's an e-mail between former Major 11 Soltis and our medical provider about the use 12 of Narcan in the jail. 13 Q. Why were you included in this 14 e-mail correspondence? 15 A. Because the medical reported to me 16 at the time. 17 Q. But it's the case that you were not 18 involved in the decision about whether or not 19 to provide Narcan kits in the corrections 20 facilities; is that right? 21 A. Sorry, I dropped -- 22 Sorry. Could you repeat that? 23 Q. But it's the case that you were not 24 involved in the decision about whether or not 25 to provide Narcan kits in the corrections</p>
<p style="text-align: right;">Page 291</p> <p>1 A. Yes. 2 Q. Who is responsible for maintaining 3 Narcan on site? 4 A. The medical provider has it. 5 Q. When was Narcan first available 6 within the corrections facilities in Summit? 7 A. It's been a few years. I don't 8 know exactly how long. 9 Q. Were you involved in the decision 10 to make Narcan available? 11 A. No. 12 Q. Who was responsible for that 13 decision? 14 A. I believe that came from the 15 medical administrator. 16 Q. Did the sheriff's department have 17 any direct responsibility for the decision to 18 provide Narcan within corrections facilities? 19 MS. LEYIMU: Object to the form of 20 the question. 21 A. Not that I'm aware of. 22 Q. I'd like to mark as Exhibit 20 23 SUMMIT_001849991. 24 - - - - - 25 (Thereupon, Deposition Exhibit 20,</p>	<p style="text-align: right;">Page 293</p> <p>1 facilities; is that right? 2 A. So the -- the context of -- of 3 this -- the Narcan had been on the medical 4 carts for the nurses to use in the facility. 5 This was -- this was a broader sense of 6 additional use throughout -- throughout the 7 facility. 8 Q. Is it consistent with your 9 recollection that Narcan was first available 10 within the corrections system in October 2016? 11 MS. LEYIMU: I'll object to the 12 form. 13 A. I thought it was earlier than that, 14 but I don't know for sure. 15 Q. I'd like to mark as Exhibit 21 a 16 document identified as SUMMIT_00008414. 17 - - - - - 18 (Thereupon, Deposition Exhibit 21, 19 County of Summit 2018 Operating 20 Budget, SUMMIT_000008414 to 21 000008692, was marked for purposes 22 of identification.) 23 - - - - - 24 Q. Captain Barker, are you familiar 25 with Exhibit 21?</p>

<p style="text-align: right;">Page 294</p> <p>1 A. Yes.</p> <p>2 Q. What is it?</p> <p>3 A. It is the County of Summit 2018</p> <p>4 operating budget.</p> <p>5 Q. I'd like to call your attention to</p> <p>6 page 275 of this document, which is identified</p> <p>7 with the Bates ending 8688.</p> <p>8 A. Okay. I see it.</p> <p>9 Q. And is it correct that this is the</p> <p>10 portion of the budget for the jail program</p> <p>11 within the sheriff's office?</p> <p>12 A. Yes, that's what it says.</p> <p>13 Q. Do you have any responsible for</p> <p>14 preparing the budget information set forth in</p> <p>15 this portion of Exhibit 21?</p> <p>16 A. No, I do not.</p> <p>17 Q. Do you have any familiarity with</p> <p>18 the budget information set forth in this</p> <p>19 section of Exhibit 21?</p> <p>20 A. No, I really don't. I -- I get</p> <p>21 deputy staff, and I schedule them.</p> <p>22 Q. Are you aware of any line item</p> <p>23 included in this budget, which relates</p> <p>24 specifically to opioid drugs?</p> <p>25 MS. LEYIMU: Object to the form.</p>	<p style="text-align: right;">Page 296</p> <p>1 2018?</p> <p>2 A. No.</p> <p>3 Q. And have you had any responsibility</p> <p>4 for preparing budget information for any other</p> <p>5 year?</p> <p>6 A. No, I have not.</p> <p>7 THE WITNESS: I'm sorry. I'd like</p> <p>8 to make this the last one if I can, but I've</p> <p>9 got to take a break.</p> <p>10 MS. WU: Sure, certainly.</p> <p>11 THE VIDEOGRAPHER: Off the record</p> <p>12 at 4:51 p.m.</p> <p>13 (A recess was taken.)</p> <p>14 THE VIDEOGRAPHER: Back on the</p> <p>15 record at 5:00 p.m.</p> <p>16 Q. Captain Barker, what's your</p> <p>17 knowledge of the litigation for which you're</p> <p>18 being deposed today?</p> <p>19 A. So the County is suing the opiate</p> <p>20 manufacturers, the marketing of the opioids,</p> <p>21 and the distribution of the opioids.</p> <p>22 Q. When did you first become familiar</p> <p>23 with the subjects of this lawsuit?</p> <p>24 MS. LEYIMU: Object to the form of</p> <p>25 the question.</p>
<p style="text-align: right;">Page 295</p> <p>1 A. I'm not. I haven't reviewed it</p> <p>2 enough.</p> <p>3 Q. Take your time.</p> <p>4 A. Okay.</p> <p>5 Q. Sure.</p> <p>6 A. I don't see a line item for that.</p> <p>7 Q. If I could call your attention to</p> <p>8 the page marked with the Bates stamp ending</p> <p>9 8691. On this page, we see year-over-year</p> <p>10 expenditures and budget for the sheriff's</p> <p>11 department jail operations, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have any familiarity with</p> <p>14 the department totals reported on this page?</p> <p>15 A. No. This is kind of the first time</p> <p>16 I ever looked at anything like this.</p> <p>17 Q. Would you agree with me that the --</p> <p>18 that the budget amounts for the period 2015 to</p> <p>19 2018 were relatively flat?</p> <p>20 MS. LEYIMU: Object to the form of</p> <p>21 the question.</p> <p>22 A. That's what it appears on the</p> <p>23 document.</p> <p>24 Q. Do you have any familiarity with</p> <p>25 this budget information for years prior to</p>	<p style="text-align: right;">Page 297</p> <p>1 Sorry, go ahead.</p> <p>2 A. Probably just several weeks ago.</p> <p>3 Q. Did you have any involvement in the</p> <p>4 decision of whether or not Summit County should</p> <p>5 bring the claims in this lawsuit?</p> <p>6 A. No, none of that was my decision.</p> <p>7 Q. Did you have any involvement in</p> <p>8 preparing the factual allegations set forth in</p> <p>9 the complaint for this lawsuit?</p> <p>10 A. No, I had no input on that.</p> <p>11 Q. Other than lawyers for Summit</p> <p>12 County, have you spoken with anyone else about</p> <p>13 this lawsuit?</p> <p>14 A. I've spoken to my boss about it.</p> <p>15 I've spoken to the sheriff briefly about it.</p> <p>16 But nothing real concrete.</p> <p>17 Q. What's the nat- -- what has been</p> <p>18 the nature of your conversations about this</p> <p>19 lawsuit with the sheriff?</p> <p>20 A. He knows that I was being deposed</p> <p>21 today and that I was called by the Defendants</p> <p>22 to be a witness.</p> <p>23 Q. What's the nature of your other</p> <p>24 conversations with colleagues within sheriff's</p> <p>25 department about this lawsuit?</p>

75 (Pages 294 - 297)

<p style="text-align: right;">Page 298</p> <p>1 MS. LEYIMU: Object to the form.</p> <p>2 A. Just to let them know that while</p> <p>3 I'm doing this, they need to kind of pick up</p> <p>4 the slack for me not being around.</p> <p>5 Q. Transactional nature?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Have you been asked to</p> <p>8 undertake any work to determine what amount of</p> <p>9 damages is attributable to corrections work</p> <p>10 related to the opioid epidemic we've discussed</p> <p>11 today?</p> <p>12 MS. LEYIMU: Object to the form.</p> <p>13 A. I'm not asked for anything</p> <p>14 specific, just been -- discussed statistics and</p> <p>15 operating, how we operate within the jail.</p> <p>16 Q. What documents have you been asked</p> <p>17 to collect in connection with this litigation?</p> <p>18 A. Not a lot on my part, but our</p> <p>19 records and ID bureau has been asked for an</p> <p>20 awful lot. I haven't been asked for very much</p> <p>21 at all.</p> <p>22 Q. What have -- what have you been</p> <p>23 asked to collect for purposes of this</p> <p>24 litigation?</p> <p>25 A. I think I've been asked about the</p>	<p style="text-align: right;">Page 300</p> <p>1 Q. Were you instructed not to delete</p> <p>2 documents or e-mails with potential relevance</p> <p>3 to this case?</p> <p>4 A. Yes, I was.</p> <p>5 Q. About how many e-mails do you have</p> <p>6 access to in your e-mail account?</p> <p>7 MS. LEYIMU: Object to the form of</p> <p>8 the question.</p> <p>9 A. I was just scolded to get rid of</p> <p>10 some of my e-mails. About 11,000.</p> <p>11 Q. What is the date of the --</p> <p>12 approximate date of the earliest e-mail, which</p> <p>13 you are able to access?</p> <p>14 A. I think it goes back to 2004.</p> <p>15 Q. What is your current e-mail</p> <p>16 address?</p> <p>17 A. srbarker@sheriff.summitoh.net, and</p> <p>18 I think sbarker also goes to my account,</p> <p>19 because we used to have a Susan Barker.</p> <p>20 E-mails got confused, and now I have them both,</p> <p>21 and she's no longer with us.</p> <p>22 Q. Okay. When were you first issued</p> <p>23 the -- your e-mail address,</p> <p>24 srbarker@sheriff.summitoh.net?</p> <p>25 A. I remember using it as a sergeant,</p>
<p style="text-align: right;">Page 299</p> <p>1 number of drug-related charges in the jail. I</p> <p>2 think I was asked about the Jail Oversight</p> <p>3 Advisory Commission report, which we saw</p> <p>4 earlier. And the log of the scanner, where we</p> <p>5 have positive finds on that. I think that's</p> <p>6 certainly the bulk of it. Anything else I</p> <p>7 think is -- I think that's about it.</p> <p>8 Q. In response to the inquiries you</p> <p>9 just described, were you able to identify a</p> <p>10 number of drug-related charges?</p> <p>11 A. I saw an e-mail from a population</p> <p>12 control coordinator to the County's attorneys.</p> <p>13 MS. LEYIMU: Object to the form of</p> <p>14 the question, and attorney-client privilege,</p> <p>15 I'll instruct the client not to talk about</p> <p>16 anything that you discussed with any attorneys.</p> <p>17 THE WITNESS: Okay.</p> <p>18 Q. Do you know if there are records</p> <p>19 that would allow you to identify the number of</p> <p>20 drug-related charges on which inmates have been</p> <p>21 brought into custody?</p> <p>22 A. I would not know of any.</p> <p>23 Q. Were you asked to -- did you</p> <p>24 receive a litigation hold notice for this case?</p> <p>25 A. I was aware -- I'm aware of one.</p>	<p style="text-align: right;">Page 301</p> <p>1 so probably '99, 2000.</p> <p>2 Q. Was there ever a time when you used</p> <p>3 any other e-mail address to communicate for</p> <p>4 sheriff department business?</p> <p>5 A. No.</p> <p>6 Q. Are there any other forms of</p> <p>7 electronic communication where you would record</p> <p>8 information related to drug incidents in the</p> <p>9 corrections facilities?</p> <p>10 MS. LEYIMU: Object to the form.</p> <p>11 A. Maybe some voicemails here and</p> <p>12 there, but we try to do most things e-mail for</p> <p>13 the tracking, accountability purposes.</p> <p>14 Q. Do you keep hard cop- -- copy</p> <p>15 files?</p> <p>16 A. It -- it's pretty rare that I would</p> <p>17 print up an e-mail. I save it, and I get in</p> <p>18 trouble for saving it.</p> <p>19 Q. Do you keep any other types of</p> <p>20 documents in hard copy?</p> <p>21 A. On occasion, I'll keep a report</p> <p>22 that I had -- had written after I scan it in.</p> <p>23 Don't know why, but I -- I do.</p> <p>24 Q. Were you asked to collect hard copy</p> <p>25 files for the purposes of this litigation?</p>

<p style="text-align: right;">Page 302</p> <p>1 A. Other than the stuff I spoke about 2 earlier, no. 3 Q. What did you do to prepare for your 4 deposition today? 5 A. I briefly reviewed the complaint. 6 I've had a couple meetings with the County 7 lawyers. And read some e-mails that I thought 8 may be relevant that I've had saved, and that's 9 about it. 10 Q. On how many occasions did you meet 11 with counsel to prepare for today's deposition? 12 A. I'm going to guess it would 13 probably be five. Five, maybe six separate 14 occasions. 15 Q. For how long did you meet with 16 counsel on each of those five or six occasions? 17 A. Most of the time it was under two 18 hours. I think we had one that went four, 19 maybe. 20 Q. Was there anyone other than counsel 21 for Summit present at those meetings? 22 A. No. 23 Q. I'd like to show you -- let's 24 see -- Exhibit 22, which is not Bates-stamped. 25 It's Summit County and City of Akron, Ohio</p>	<p style="text-align: right;">Page 304</p> <p>1 persons with knowledge about such damages." 2 Do you see that? 3 A. I do. 4 Q. Then, on the following page, page 5 15 of Exhibit 22, we see the response from 6 Summit and Akron. That response carries over 7 to page 16 of Exhibit 22. 8 I'd like to ask you to look at page 9 16, and reading from the bottom of the page, 10 it's the fourth bullet from the bottom. It 11 reads, "Increased public safety services, 12 including but not limited to training, 13 investigations, staffing, jail expenses, 14 dispatch services, and task forces as a result 15 of the opioid epidemic." 16 Do you see that? 17 A. I do see that. 18 Q. What are the jail expenses 19 referenced? 20 MS. LEYIMU: Object to the form. 21 You can answer. 22 A. There's -- there's nothing 23 specific, but everything that we've been doing 24 for the last five years, from the additional 25 pat-downs to having to order people over to</p>
<p style="text-align: right;">Page 303</p> <p>1 Plaintiffs' First Amended Responses and 2 Objections to Distributor Defendants' Third Set 3 of Interrogatories. 4 - - - - - 5 (Thereupon, Deposition Exhibit 22, 6 Summit County and City of Akron, 7 Ohio Plaintiff's First Amended 8 Responses and Objections to 9 Distributor Defendants' Third Set of 10 Interrogatories, was marked for 11 purposes of identification.) 12 - - - - - 13 Q. Captain Barker, are you familiar 14 with this document? 15 A. I don't recall ever seeing this. 16 Q. Okay. I'd like to ask you to look 17 at page 14. On page 14, there's an 18 interrogatory posed by the Distributor 19 Defendants, which reads, "Specify each category 20 of injury, for example increased costs of law 21 enforcement, fire, emergency services, et 22 cetera, for which you claim damages in the 23 litigation, and provide a computation of 24 damages for each category of injury alleged. 25 For each category of injury, identify all</p>	<p style="text-align: right;">Page 305</p> <p>1 watch suicide inmates, to the equipment 2 upgrades with the scanner we talked about, to 3 even myself helping out with -- with the 4 pat-downs because we know that these items 5 are -- are small and easily accessible into the 6 jail. 7 We have inmates that are going 8 through withdrawal, and that takes additional 9 time away from my staff when the medical staff 10 goes in there and examines somebody in the 11 cell, we got to have a deputy with them. 12 The -- the whole -- the whole operations has -- 13 has been affected. 14 When I was in the jail as a 15 sergeant, even pretty much so as a lieutenant 16 and a deputy, that kind of stuff just wasn't 17 going on. And the last -- since I've been in 18 the jail in 2011 as a captain, I -- everything 19 seems to be related to that. 20 Q. Are you able to quantify the jail 21 expenses referenced in Exhibit 22? 22 A. No, but I would say it's an awful 23 lot. I -- I would have no way of quantifying 24 it. 25 Q. What proportion of your overall</p>

<p style="text-align: right;">Page 306</p> <p>1 jail expenses would you allocate to a response 2 to the opioid epidemic? 3 MS. LEYIMU: Object to the form. 4 A. Everything that we do has -- has 5 changed in the last several years, so a large 6 portion of it. It takes us away from other 7 things that we -- we used to do and we no 8 longer can do. And now we have to order staff 9 over to handle the situations that we have in 10 the jail. 11 Q. When you say that everything that 12 you do has been changed by the op- -- opioid 13 epidemic, is it your testimony that all jail 14 expenses are attributable to the opioid 15 epidemic? 16 MS. LEYIMU: Object to the form. 17 A. I wouldn't -- I would never use 18 words like all and never -- I said never. I 19 try not to do that. I don't think it's all, 20 but I think it's a -- a large portion. 21 Q. What portion do you believe is 22 attributable to the opioid epidemic? 23 MS. LEYIMU: Object to the form. 24 Asked and answered. 25 A. A lot of it. I don't know.</p>	<p style="text-align: right;">Page 308</p> <p>1 EXAMINATION OF SHANE BARKER 2 BY MR. LONERGAN: 3 Q. Good afternoon. Good evening, 4 Captain Barker. 5 A. Good evening. 6 Q. I introduced myself this morning, 7 but I'm going to do it again since it's been a 8 long day. My name is Sam Lonergan. I'm an 9 attorney with the law firm of Arnold & Porter, 10 and I represent Endo and Par in this 11 litigation. 12 A. Okay. 13 Q. I don't have a lot of questions for 14 you, and I'm going to do my best to not cover 15 ground that's already been covered with you 16 today, but I can't promise there won't be any 17 duplication. 18 Earlier this afternoon, you were 19 talking about or testifying about suicide 20 precaution that the jail does when new inmates 21 arrive. Do you recall that testimony? 22 A. Yes, I do. 23 Q. Is that also known as a suicide 24 watch? 25 A. You could -- you could call it</p>
<p style="text-align: right;">Page 307</p> <p>1 Q. How would you attempt to quantify 2 the proportion of jail expenses attributable to 3 the opioid epidemic? 4 MS. LEYIMU: Object to the form. 5 A. I'm not -- I'm not a fiscal -- 6 fiscal guy. I wo- -- I wouldn't know where to 7 begin. 8 Q. Do you believe it's possible to 9 undertake that exercise? 10 MS. LEYIMU: Object to the form. 11 A. I think somebody could probably do 12 it. Probably not me. 13 Q. And what information do you think 14 would be required in order to undertake that 15 analysis? 16 MS. LEYIMU: Object to the form. 17 Calls for speculation. 18 A. Somebody would have to know an 19 awful lot about the jail to do it, and I don't 20 know what all it would be, what would be 21 required. 22 MS. WU: Thank you, Captain Barker. 23 I have -- I have no further questions, and I'll 24 pass the witness. 25 THE WITNESS: You're welcome.</p>	<p style="text-align: right;">Page 309</p> <p>1 that. 2 Q. And I believe you testified that 3 it's your belief that a number of inmates are 4 put on suicide watch when they enter your 5 prison because they can -- your term, cannot 6 get their drug of choice. Do you recall that? 7 A. I do recall that. 8 Q. And I think you also said there are 9 other reasons that inmates will be put on 10 suicide watch, correct? 11 A. Yes. 12 Q. And as you sit here today, you're 13 not able to identify the proportions among 14 inmates who are put on suicide watch, meaning 15 you can't determine what proportion of inmates 16 are put on suicide watch because they cannot 17 get their drug of choice or for some other 18 reason, correct? 19 MS. LEYIMU: Object to the form. 20 A. No, I cannot. 21 Q. With respect to inmates who are put 22 on suicide watch because they cannot get their 23 drug of choice, is it correct that you cannot 24 recall a single instance where an inmate was 25 put on suicide watch because he or she could</p>

<p style="text-align: right;">Page 310</p> <p>1 not gain access to an opioid product that they 2 had a legitimate prescription for? 3 MS. LEYIMU: Object to the form of 4 the question. 5 A. Again, I would not have that 6 information. 7 Q. Earlier today, you were shown an 8 exhibit. I think it was marked as Exhibit 6, 9 which I believe you testified set forth the 10 jail -- the prison's policy for prisoners' 11 access to prescription medications. Do you 12 recall that? 13 A. I do. Can I look at it again? 14 Q. Sure. You have it in your pile? 15 A. Yeah, I should. 16 Q. Yeah, it's that one. 17 A. Okay. I'm with you. 18 Q. And I believe you testified that 19 pursuant to the prison's policy, witnesses who 20 have legitimate prescriptions to opioids can 21 continue to have those opioid products 22 administered to them after they enter the 23 prison system. Is that correct? 24 MS. LEYIMU: Object to the form. 25 A. I don't remember exactly how I</p>	<p style="text-align: right;">Page 312</p> <p>1 A. I wouldn't -- I wouldn't know that. 2 Q. You wouldn't know if you can think 3 of an instance? 4 A. No. I just know that our incidence 5 of suicide watch, as you put it, has 6 substantially gone up. And when I talk to the 7 professionals, this is one of the reasons that 8 is being talked about. And when I've talked to 9 inmates on the occasion that I have, a few of 10 them have said that, "This is what I'm going 11 through." 12 Q. And I understand that. And I think 13 you were asked a lot about that earlier today, 14 and what I'm trying to do is ask you different 15 questions that focus on a different aspect of 16 this case. So I'll just ask my question again. 17 Is it correct that you, as you sit 18 here today, cannot think of a single instance 19 where an inmate in your prison was put on 20 suicide watch because they could not access an 21 opioid for which they had a legitimate 22 prescription? 23 MS. LEYIMU: Object to the form of 24 the question. 25 A. I -- I don't have access to that</p>
<p style="text-align: right;">Page 311</p> <p>1 answered, but that's what is there. 2 Q. And that's a fair characterization 3 of the policy, correct? 4 A. Yes. 5 Q. So isn't it fair to say that if a 6 witne- -- an inmate has a legitimate 7 prescription to an opioid, then they will never 8 fall into the category of inmates that you 9 described as people that cannot get their drug 10 of choice if their drug of choice is an opioid, 11 correct? 12 MS. LEYIMU: Object to the form of 13 the question. 14 A. No, I -- I wouldn't. 15 Q. You wouldn't what? 16 A. I -- I wouldn't characterize it 17 that day. If they're -- if they're -- if it's 18 under a doctor's care and it's being 19 administered properly, they're not abusing it. 20 Q. Okay. So in that instance, you 21 can't think of an inmate who has a legitimate 22 prescription for an opioid who was put on 23 suicide watch in your prison because they 24 cannot get access to their opioid, correct? 25 MS. LEYIMU: Object to the form.</p>	<p style="text-align: right;">Page 313</p> <p>1 information. 2 Q. So you can't think of an instance, 3 correct? 4 MS. LEYIMU: Object to the form. 5 A. I -- I don't have that information 6 in front of me. I can't think of one. 7 Q. Sir, earlier today -- much earlier 8 today; I think it was this morning, in fact -- 9 you were -- you testified about your role as a 10 patrolman for the county. Do you recall that? 11 A. Yes. 12 Q. And I believe you testified that 13 there were a number of instances where you went 14 on calls, and those calls in some way related 15 to opioids. Do you recall that? 16 A. Yes, I do. 17 Q. Were those instances, were they 18 overdose situations? 19 A. I believe the two that I spoke 20 about earlier were involving thefts that I 21 specifically mentioned that I -- I recall 22 because I was questioned about it by the media. 23 Q. Those were the two pharmacy 24 instances? 25 A. Yea- -- one was a pharmacy. I'm</p>

<p style="text-align: right;">Page 314</p> <p>1 not sure where the other one -- where the theft 2 occurred in the other one. I know that I was 3 questioned about it. 4 Q. In your various roles as -- working 5 for the county patrol department, were those 6 the only two instances in which you made a call 7 that related to opioids? 8 MS. LEYIMU: Object to the form. 9 A. You mean that I -- I talked to 10 somebody from the media about? 11 Q. No, no. I mean where you actually 12 went out and made a call because you were doing 13 a patrol, a visit. 14 A. You mean if I was dispatched to a 15 call? 16 Q. A dispatch, yes. 17 A. No. Our -- our patrol bureau 18 was -- was starting to see a lot of increases 19 before I was transferred out, of overdoses of 20 prescription medications. 21 Q. And were you ever dispatched to a 22 situation where a person had overdosed on a 23 prescription medication? 24 A. I'm sure I was, but I went to 25 thousands of calls.</p>	<p style="text-align: right;">Page 316</p> <p>1 making up the call. If I -- if my dispatcher's 2 on the radio issuing me a call, they're 3 dispatching me to it. 4 Q. Okay. In connection with the 5 various calls that you made that in some way 6 related to opioids, did you ever participate in 7 investigations that occurred after you made 8 that call? 9 A. No. 10 Q. Who would have conducted those 11 investigations? 12 A. I probably would have assigned it 13 to a deputy or sergeant of low rank, or I'd 14 have sent it up to our detective bureau or our 15 drug unit. 16 Q. Would you have had any association 17 with those investigations after the call? 18 A. Other than them interviewing me for 19 the initial what I did on scene, whether I just 20 responded or I directed some certain things to 21 be done. I would have had no role in the 22 investigation. 23 Q. Do you have any knowledge of what 24 the goals are of an investigation that relates 25 to opioids?</p>
<p style="text-align: right;">Page 315</p> <p>1 Q. So you can't specifically recall 2 any instance where you were dispatched to a 3 situation where somebody had overdosed on a 4 prescription opioid, correct? 5 A. I would be guessing. No. 6 Q. Can you recall an instance where 7 you were dispatched to a situation where a 8 person had died as a result of taking an 9 opioid? 10 A. No, because when I was on -- when I 11 would -- when I would be on scene and that, you 12 just didn't know until the autopsy would have 13 come out, the findings, later on down the road. 14 Q. Can you recall an instance where 15 you were dispatched to a situation where a 16 person was taking an opioid for which they had 17 a legitimate prescription? 18 MS. LEYIMU: Object to the form. 19 A. No, I -- I can't. 20 Q. In connection with the various -- I 21 feel like -- what's the term I should be using? 22 I'm saying "call" and "dispatch calls." 23 What -- what do you call it when you go -- 24 A. It's -- it's a call, but it -- it 25 just sounded like I would have -- you know,</p>	<p style="text-align: right;">Page 317</p> <p>1 MS. LEYIMU: Object to the form. 2 Vague. 3 A. They're like any other 4 investigation to find out who -- who broke what 5 laws and to enforce them. 6 Q. Is one of the goals of those 7 investigations to determine the source of the 8 opioid? 9 A. I'm not real familiar with what the 10 investigators do with those things. 11 Q. So you don't know if -- if the 12 investigation would include trying to determine 13 the source of the opioid? 14 MS. LEYIMU: Object to the form. 15 A. That's correct; I wouldn't know. 16 Q. Is it fair to say that you also 17 wouldn't know if the investigation would 18 include trying to identify the manufacturer of 19 the opioid? 20 MS. LEYIMU: Object to the form. 21 A. Yeah, I -- would not know that. 22 Q. Is it fair to say that you also 23 don't know whether an investigation would 24 include attempting to identify the doctor who 25 prescribed an opioid?</p>

<p style="text-align: right;">Page 318</p> <p>1 A. I would not know that.</p> <p>2 Q. You understand -- and I believe you</p> <p>3 already testified to this, but you understand</p> <p>4 that opioids are approved by the FDA for</p> <p>5 prescription by physicians, correct?</p> <p>6 MS. LEYIMU: Object to the form.</p> <p>7 A. I know that they are prescribed.</p> <p>8 Q. And you understand that there's a</p> <p>9 legitimate -- legitimate medical purpose they</p> <p>10 serve, correct?</p> <p>11 MS. LEYIMU: Object to the form.</p> <p>12 A. When it's done properly, yes.</p> <p>13 Q. As you sit here today, can you</p> <p>14 recall any instance where you participated in</p> <p>15 any way in an investigation that related to a</p> <p>16 legitimately prescribed opioid?</p> <p>17 MS. LEYIMU: Object to the form.</p> <p>18 A. I've never been invest- -- I've</p> <p>19 never been involved in an investigation such as</p> <p>20 that.</p> <p>21 Q. And you can't recall an</p> <p>22 investigation such as that, whether you</p> <p>23 directly participated or not, correct?</p> <p>24 MS. LEYIMU: Object to the form.</p> <p>25 A. Correct. I would have not</p>	<p style="text-align: right;">Page 320</p> <p>1 opioids have engaged in related to opioids?</p> <p>2 A. I know that they were not given</p> <p>3 the -- maybe not -- the right information when</p> <p>4 they were going to the doctors and trying to</p> <p>5 sell these medications.</p> <p>6 Q. And how do you know that?</p> <p>7 A. From the stuff, the items that I</p> <p>8 read in the last few years.</p> <p>9 Q. And what are those items?</p> <p>10 A. Everything from e-mails, ADM Board</p> <p>11 meetings that I've attended, workshops at the</p> <p>12 American Jail Association, the complaint that I</p> <p>13 read.</p> <p>14 Q. What were those? You said e-mails,</p> <p>15 ADM Board. What was the third item?</p> <p>16 A. Workshops at -- I'm a member of the</p> <p>17 American Jail Association, and I go to</p> <p>18 conferences, and they have workshops on this</p> <p>19 type of epidemic that we're seeing throughout</p> <p>20 the country.</p> <p>21 Q. Okay. So it was e-mails, ADM</p> <p>22 Board, workshops. Was there anything else?</p> <p>23 A. The com- -- I read the complaint.</p> <p>24 There was a little bit in there.</p> <p>25 Q. The complaint, all right. Let's</p>
<p style="text-align: right;">Page 319</p> <p>1 participated.</p> <p>2 Q. Whether or not you participated,</p> <p>3 let's set that aside, though. But you cannot</p> <p>4 recall an investigation that concerned a</p> <p>5 legitimately prescribed opioid, whether you</p> <p>6 participated in -- in it or not, correct?</p> <p>7 MS. LEYIMU: Object to the form of</p> <p>8 the question.</p> <p>9 A. It's never been my -- I've never</p> <p>10 been assigned to the detective bureau or the</p> <p>11 drug unit. I don't know what exactly their</p> <p>12 cases entail.</p> <p>13 Q. Have you ever participated in any</p> <p>14 way in an investigation of the marketing</p> <p>15 practices of opioid manufacturers?</p> <p>16 A. No, I've never been involved in</p> <p>17 that.</p> <p>18 Q. Have you ever participated in any</p> <p>19 way in an investigation related to statements</p> <p>20 that sales representatives for manufacturers</p> <p>21 made to physicians?</p> <p>22 A. I wouldn't -- not been something I</p> <p>23 would have been involved in.</p> <p>24 Q. Do you have any understanding of</p> <p>25 the marketing practices that manufacturers of</p>	<p style="text-align: right;">Page 321</p> <p>1 take one by one.</p> <p>2 What e-mails are you referring to</p> <p>3 that you've read that relate to the way</p> <p>4 manufacturers market opioids?</p> <p>5 A. Wouldn't know the specific e-mails.</p> <p>6 I just know that I've read things throughout</p> <p>7 the course of my work at the jail and patrol</p> <p>8 that this was the -- the kind of stuff that was</p> <p>9 going on. I can't pinpoint it specifically for</p> <p>10 you.</p> <p>11 Q. Who were the authors of these</p> <p>12 e-mails?</p> <p>13 A. I don't know.</p> <p>14 Q. Approximately when did you receive</p> <p>15 these e-mails?</p> <p>16 A. Over the course of the last five,</p> <p>17 six years.</p> <p>18 Q. How many e-mails?</p> <p>19 A. I don't know.</p> <p>20 Q. More than five?</p> <p>21 A. Probably not.</p> <p>22 Q. And I believe you testified that</p> <p>23 this was a topic that was discussed at ADM</p> <p>24 Board meetings, correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 322</p> <p>1 Q. Who -- who discussed this?</p> <p>2 A. Whoever -- I mean, there's multiple</p> <p>3 speakers at the ADM Board meeting. Like I -- I</p> <p>4 think I testified earlier, I'm just the</p> <p>5 representative from the sheriff's office.</p> <p>6 Don't get too involved in that. But I know</p> <p>7 that in discussions, whether it's after the</p> <p>8 meeting with -- with people, during the</p> <p>9 meeting, we would he- -- I would hear these</p> <p>10 kinds of things discussed.</p> <p>11 Q. And I understand that there's a lot</p> <p>12 of different people that speak at these</p> <p>13 meetings, but -- and I want to focus</p> <p>14 exclusively on the information that you</p> <p>15 obtained from these meetings concerning</p> <p>16 manufacturers' marketing of opioids.</p> <p>17 Who specifically told you anything</p> <p>18 about manufacturers' marketing of opioids?</p> <p>19 MS. LEYIMU: Object to the form.</p> <p>20 A. I don't recall who that would have</p> <p>21 been.</p> <p>22 Q. Do you recall when that happened?</p> <p>23 A. At one of the quarterly meetings we</p> <p>24 had at maybe -- on -- their office, I think, is</p> <p>25 on Market Street. I remember something about</p>	<p style="text-align: right;">Page 324</p> <p>1 A. Probably not that long.</p> <p>2 Q. Two?</p> <p>3 A. Probably about that.</p> <p>4 Q. Okay. And I believe you said that</p> <p>5 you learned this information also at workshops.</p> <p>6 Do you recall that?</p> <p>7 A. I do recall going to workshops that</p> <p>8 were -- you know, they would be titled like,</p> <p>9 "The opiate epidemic: What are we doing to</p> <p>10 combat it?" They'd put the catchy phrases on</p> <p>11 it, and then I would go to a couple of those</p> <p>12 workshops. I didn't go to the American Jail</p> <p>13 Association conference this year, but I went</p> <p>14 in, like, 2015, 2016, 2017.</p> <p>15 Q. What specific workshops did you</p> <p>16 attend in which they discussed the way</p> <p>17 manufacturers market opioids?</p> <p>18 A. Again, it was -- there was a --</p> <p>19 there was a class about -- a workshop about the</p> <p>20 opiate epidemic and what we could do as a</p> <p>21 correctional industry to -- to prevent it. And</p> <p>22 that was some of the things that they would put</p> <p>23 a PowerPoint presentation and talk about that.</p> <p>24 The specifics, I wouldn't have access to it.</p> <p>25 Q. So was it --</p>
<p style="text-align: right;">Page 323</p> <p>1 there.</p> <p>2 Q. Okay. So it happened once at a</p> <p>3 quarterly meeting on Market Street?</p> <p>4 MR. LEDLIE: Object to the form.</p> <p>5 MS. LEYIMU: Object to the form of</p> <p>6 the question.</p> <p>7 Q. Is that correct?</p> <p>8 A. I know that there was something</p> <p>9 brought up about that.</p> <p>10 Q. And who brought it up?</p> <p>11 A. I don't remember the person. It</p> <p>12 was -- I was in a group, a group of people.</p> <p>13 Q. Okay. Was it one meeting?</p> <p>14 A. That's the one that's standing out</p> <p>15 to me right now, yeah.</p> <p>16 Q. Are there any others that you can</p> <p>17 recall as you sit here today?</p> <p>18 A. There might have been, but I don't</p> <p>19 recall.</p> <p>20 Q. Okay. And do you recall</p> <p>21 approximately when that meeting occurred?</p> <p>22 MR. LEDLIE: Object to the form.</p> <p>23 Asked and answered twice.</p> <p>24 A. Couple years ago.</p> <p>25 Q. Three?</p>	<p style="text-align: right;">Page 325</p> <p>1 A. I can't recall.</p> <p>2 Q. -- one workshop?</p> <p>3 MR. LEDLIE: Object to the form.</p> <p>4 A. It was at least one workshop.</p> <p>5 Q. You don't recall when it was?</p> <p>6 A. Let me see. It was probably in</p> <p>7 Dallas, which was 2015 or 2016.</p> <p>8 Q. And you don't recall the name of</p> <p>9 the person who provided that information to</p> <p>10 you?</p> <p>11 A. Nah. It was some doctor.</p> <p>12 Q. What, if anything, did you do with</p> <p>13 that information?</p> <p>14 A. I would take it back and, you know,</p> <p>15 talk to my -- my staff about it, my</p> <p>16 subordinates about it, and my superiors about</p> <p>17 it in meetings we would have. You know, let</p> <p>18 everybody know that --</p> <p>19 You learn some of these things from</p> <p>20 your colleagues that go to these things.</p> <p>21 Like -- like the scanner we have. That's one</p> <p>22 thing I -- I learned from one of the</p> <p>23 conferences that, hey, this is something we</p> <p>24 need to look into getting. And it's just kind</p> <p>25 of a network of people that talk about it.</p>

<p style="text-align: right;">Page 326</p> <p>1 Q. So the information I'm referring</p> <p>2 to, though, is the information concerning the</p> <p>3 way the manufacturers marketed opioids, okay?</p> <p>4 A. Uh-huh. I did hear that.</p> <p>5 Q. And is it your testimony that after</p> <p>6 one or some of these meetings you would come</p> <p>7 back and provide that information to other</p> <p>8 people in Summit County?</p> <p>9 A. What I would do is I would take</p> <p>10 the -- the information that I was given during</p> <p>11 these courses, which included that in some</p> <p>12 PowerPoint presentation. I remember seeing</p> <p>13 that -- the dosages ticking up throughout the</p> <p>14 years, and I brought that back and said, "This</p> <p>15 is what's going on. Let's kind of look out for</p> <p>16 it, maybe change the way we do things."</p> <p>17 Q. Yeah, but let's focus specifically</p> <p>18 on marketing practices.</p> <p>19 Did you endeavor to disseminate</p> <p>20 information in Summit County concerning the</p> <p>21 marketing practices of opioid manufacturers?</p> <p>22 A. No. I would deal more with the</p> <p>23 introduction of that substance into the</p> <p>24 correctional setting. That's what I'm</p> <p>25 concerned about.</p>	<p style="text-align: right;">Page 328</p> <p>1 MR. LEDLIE: I'll stipulate that</p> <p>2 he's not familiar with any of the Defendants in</p> <p>3 this litigation.</p> <p>4 Q. Are you familiar with Actavis?</p> <p>5 MR. LEDLIE: Object to the form.</p> <p>6 A. No.</p> <p>7 Q. Are you familiar with Insys?</p> <p>8 MR. LEDLIE: Object to the form.</p> <p>9 A. No.</p> <p>10 Q. Are you familiar with Watson?</p> <p>11 MS. LEYIMU: Object to the form of</p> <p>12 the question.</p> <p>13 A. No.</p> <p>14 Q. Do you understand what a</p> <p>15 pharmaceutical wholesaler is?</p> <p>16 A. I believe they're the ones that</p> <p>17 take the med- -- the opiates from the</p> <p>18 manufacturer and get it out to the pharmacies.</p> <p>19 Q. When did you come to learn that?</p> <p>20 A. I learned that talking to my --</p> <p>21 MR. LEDLIE: Instruct the witness</p> <p>22 not to answer to any conversations with</p> <p>23 counsel.</p> <p>24 Q. Is the only way you know that</p> <p>25 because you learned it from the lawyers in this</p>
<p style="text-align: right;">Page 327</p> <p>1 Q. What do you mean by that?</p> <p>2 A. I don't want people bringing it</p> <p>3 into -- into our jail.</p> <p>4 Q. You mean people bringing it into</p> <p>5 your jail illicitly, correct?</p> <p>6 A. Trying to, yes, convey it into the</p> <p>7 facility, yes.</p> <p>8 Q. Are you familiar with my client</p> <p>9 Endo?</p> <p>10 A. No.</p> <p>11 Q. Are you familiar with my client</p> <p>12 Par?</p> <p>13 A. No.</p> <p>14 Q. Are you familiar with Purdue?</p> <p>15 A. No.</p> <p>16 Q. Are you familiar with Janssen?</p> <p>17 A. No.</p> <p>18 Q. Are you familiar with Noramco?</p> <p>19 A. No.</p> <p>20 Q. Are you familiar with Teva?</p> <p>21 A. No.</p> <p>22 Q. Are you familiar with Allergan?</p> <p>23 A. No.</p> <p>24 Q. Are you familiar with Watson?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 329</p> <p>1 case?</p> <p>2 MS. LEYIMU: Object to the form of</p> <p>3 the question.</p> <p>4 A. Yes.</p> <p>5 Q. Are you familiar with Cardinal?</p> <p>6 A. No.</p> <p>7 Q. Are you familiar with McKesson?</p> <p>8 A. I have heard the name McKesson, but</p> <p>9 I'm not familiar with them as a company.</p> <p>10 Q. Are you familiar with</p> <p>11 AmerisourceBergen?</p> <p>12 A. No.</p> <p>13 Q. Do you have any personal knowledge</p> <p>14 concerning any wrongdoings conducted by any of</p> <p>15 these manufacturers or wholesalers?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question. Vague. Compound.</p> <p>18 A. I have seen -- there's been fines</p> <p>19 levied against certain companies. I don't know</p> <p>20 the companies off the top of my head or what</p> <p>21 the fines would have been levied, but I know</p> <p>22 that they -- they've been levied.</p> <p>23 Q. Do you have any other knowledge?</p> <p>24 MR. LEDLIE: The same objection.</p> <p>25 A. I have the knowledge that the way</p>

<p style="text-align: right;">Page 330</p> <p>1 we do business at our facility has changed in 2 the last five or six years, and so there -- you 3 know, that's the knowledge that I have. 4 MR. LONERGAN: I'm going to move to 5 strike your answer as nonresponsive. And maybe 6 my question wasn't that good, and I'll just ask 7 a different one. 8 Q. Outside of the fines that you 9 described a moment ago, do you have any 10 knowledge concerning the activities of any of 11 the Defendants that I just listed, that you 12 believe were somehow inappropriate, in 13 connection with opioids? 14 MR. LEDLIE: Objection. Asked and 15 answered. 16 A. I would not have access to that -- 17 I would not have access to that information. 18 Q. So the answer is, "No, I don't have 19 any other information than that," correct? 20 A. The answer is no. 21 Q. Because this is an opioids 22 litigation, you've been asked a lot of 23 questions about opioids today. And I believe 24 we've talked about -- you've talked about 25 heroin, you've talked about fentanyl, you've</p>	<p style="text-align: right;">Page 332</p> <p>1 facility. 2 Q. But as you sit here today, can you 3 recall an instance where you concerned yourself 4 with counterfeit prescription opioid pills? 5 MR. LEDLIE: Objection. Asked and 6 answered. 7 A. No, I cannot. 8 Q. Are you familiar with the term 9 "pill mill"? 10 A. Yes. 11 Q. And what do you understand that to 12 mean? 13 A. I understand that to mean doctors 14 that were prescribing an inordinate amount of 15 opiates to patients. 16 Q. And is it your understanding that 17 that prescribing was inappropriate? 18 A. That is my understanding, yes. 19 Q. Are you familiar with any pill 20 mills? 21 A. Not personal knowledge, no. 22 Q. Are you familiar with any pill 23 mills that exist in Summit County? 24 A. No, that's not my area of -- I 25 don't work in that area.</p>
<p style="text-align: right;">Page 331</p> <p>1 talked about prescription pills. Do you recall 2 some or all of that? 3 A. Yes, I do. 4 Q. Are you familiar with the concept 5 of counterfeit prescription pills? 6 A. I am, but I haven't heard that term 7 in a long time. 8 Q. When was the first time you heard 9 it? 10 A. Probably back in the police 11 academy. 12 Q. Was that related to opioid 13 products? 14 A. I think it was related to all 15 controlled substances. Counterfeit controlled 16 substances is what I think I was taught years 17 ago. 18 Q. Are you familiar with counterfeit 19 prescription opioids, pills? 20 A. I've never heard it termed that 21 way, no. 22 Q. Is that something that you concern 23 yourself with in running the Summit prisons? 24 A. I concern myself with any opiates 25 or any contraband that gets inside the</p>	<p style="text-align: right;">Page 333</p> <p>1 Q. I understand. 2 Are you familiar with any pill 3 mills that existed in Summit County? 4 A. No. 5 Q. Are you familiar with any pill 6 mills that serviced any of the inmates who have 7 ended up in your prison? 8 A. No, I'm not. 9 Q. Has identifying pill mills ever 10 been something that the prison has attempted to 11 investigate? 12 A. That wouldn't be something that we 13 would do in the corrections setting. 14 Q. Are you aware of any instances 15 where anybody in the county has attempted to 16 investigate pill mills? 17 A. I know our drug unit has. 18 Q. What do you know about that? 19 A. I know that they've made arrests 20 and shut them down, but I don't know the 21 details of the investigations. That's not what 22 I do. 23 Q. And when you say "shut them down," 24 do you know how many were shut down? 25 A. No, I don't.</p>

<p style="text-align: right;">Page 334</p> <p>1 Q. Do you know what they are -- what</p> <p>2 the -- what the pill mill was?</p> <p>3 MR. LEDLIE: Object to the form.</p> <p>4 Q. The specifics of it?</p> <p>5 MR. LEDLIE: Object to the form.</p> <p>6 A. No, I do not.</p> <p>7 Q. Would that not have been something</p> <p>8 that was important to you in determining</p> <p>9 whether or not an inmate has a legitimate</p> <p>10 prescription for opioids?</p> <p>11 MR. LEDLIE: Object to the form of</p> <p>12 the question and beyond the scope as to the</p> <p>13 legitimacy. That's a medical question.</p> <p>14 A. No --</p> <p>15 Q. Exhibit 6 does require the prison</p> <p>16 to determine whether or not an inmate has a</p> <p>17 verified prescription for opioids, correct?</p> <p>18 A. I missed your -- your first part of</p> <p>19 the statement.</p> <p>20 Q. Exhibit 6, which we were talking</p> <p>21 about earlier --</p> <p>22 A. Oh, okay.</p> <p>23 Q. -- does require the prison to</p> <p>24 determine whether or not a patient has a</p> <p>25 verified prescription, correct?</p>	<p style="text-align: right;">Page 336</p> <p>1 the -- to the existence of the pill mills in</p> <p>2 Summit County; is that correct?</p> <p>3 A. I wouldn't say alert. I would say</p> <p>4 that we've had -- it would be something in the</p> <p>5 paper, and it's something that we're both --</p> <p>6 the entities are both working to -- to combat,</p> <p>7 and we would talk about it over -- you know, a</p> <p>8 meeting in my office over a cup of coffee or</p> <p>9 something like that.</p> <p>10 Q. Do you recall any instance where</p> <p>11 you set out specifically to inform the medical</p> <p>12 staff at the prison that there was a pill mill</p> <p>13 that had recently been shut down?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. No, I do not.</p> <p>17 MR. LONERGAN: Why don't we go off</p> <p>18 the record for two minutes, and -- might be</p> <p>19 done.</p> <p>20 THE VIDEOGRAPHER: Going off the</p> <p>21 record at 5:43 p.m.</p> <p>22 (A recess was taken.)</p> <p>23 THE VIDEOGRAPHER: Back on the</p> <p>24 record at 5:45 p.m.</p> <p>25 EXAMINATION OF SHANE BARKER</p>
<p style="text-align: right;">Page 335</p> <p>1 MR. LEDLIE: Object to the form.</p> <p>2 Misstates the document.</p> <p>3 A. Yes, it does.</p> <p>4 Q. And that includes determining</p> <p>5 whether or not a patient has a verified</p> <p>6 prescription for an opioid product, right?</p> <p>7 A. Yes, but that's not something -- I</p> <p>8 don't do the verifications.</p> <p>9 Q. Who does the verifications?</p> <p>10 A. Our medical facility -- medical</p> <p>11 staff.</p> <p>12 Q. And did you not think it was</p> <p>13 important to let the medical staff know that</p> <p>14 you were aware of pill mills that had been shut</p> <p>15 down in Summit County and that they should be</p> <p>16 on the lookout for prescriptions that may have</p> <p>17 come from that pill mill?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. So those are -- those types of</p> <p>21 discussions are -- have been ongoing for years</p> <p>22 with the medical provider.</p> <p>23 Q. And have you had those discussions?</p> <p>24 A. Yes.</p> <p>25 Q. So you alerted the medical staff to</p>	<p style="text-align: right;">Page 337</p> <p>1 BY MS. MORRISON:</p> <p>2 Q. Good afternoon, Captain Barker. My</p> <p>3 name is Kristin Morrison. I represent Walmart.</p> <p>4 Are you aware that Summit County</p> <p>5 has sued my client -- my client, Walmart, in</p> <p>6 this case?</p> <p>7 A. I am aware, yes.</p> <p>8 Q. And what is the source of your</p> <p>9 knowledge about my client, Walmart, being sued</p> <p>10 in this case?</p> <p>11 A. They were being sued because there</p> <p>12 was a large amount of prescriptions that were</p> <p>13 being filled, and it was -- it was a large</p> <p>14 increase from the years before, and nobody said</p> <p>15 anything about it.</p> <p>16 Q. Can you personally point to any</p> <p>17 specific conduct by Walmart related to opioids</p> <p>18 that caused any harm to Summit County?</p> <p>19 A. No, I cannot.</p> <p>20 Q. Okay. Are you aware that Summit</p> <p>21 County also has sued Walgreens in this lawsuit?</p> <p>22 A. Yes.</p> <p>23 Q. And what is the basis of your</p> <p>24 knowledge about the suit against Walgreens?</p> <p>25 MR. LEDLIE: You can answer the</p>


<p style="text-align: right;">Page 338</p> <p>1 question to the extent that you're not 2 divulging any attorney-client communications. 3 A. That Walgreens also saw a -- saw a 4 spike in opiate prescriptions, and it didn't 5 set off any -- any -- any warning signs that 6 these were being given out at a -- at a large 7 pace, fast pace. 8 Q. Can you personally point to any 9 specific conduct by Walgreens related to 10 opioids that caused harm to Summit County? 11 MR. LEDLIE: Object to the form of 12 the question. Asked and answered. 13 A. No, I cannot. 14 Q. Do you have any personal knowledge 15 as to why Summit County has sued Rite Aid in 16 this lawsuit? 17 A. Because of the increased amount of 18 prescriptions that were sold through -- was it 19 Rite Aid? 20 Q. Yes. 21 A. Yes. 22 Q. And can you personally point to any 23 specific conduct by Rite Aid that has caused 24 harm to Summit County related to opioids? 25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 340</p> <p>1 about it. 2 What is the source or the basis for 3 your knowledge that there was a large amount of 4 prescriptions filled that these pharmacies did 5 nothing about, in your words? 6 A. I would let my counsel answer that. 7 MR. LEDLIE: Without revealing the 8 context of any attorney-client communications, 9 you can answer the question. 10 A. I discussed it with my counsel. 11 Q. So your testimony is that the 12 source of your knowledge about what any of 13 these pharmacies that we discussed have done is 14 based on discussions with your counsel? 15 A. It -- it's not my only knowledge. 16 I mean, I have seen what we deal with in -- in 17 the jail. It's part of the knowledge that I 18 have. 19 Q. And you said the source of your 20 knowledge is what you deal with in the jail. 21 What do you mean by that? 22 A. I mean the way that we've had to 23 change the way that we operate the jail on a 24 day-to-day basis. 25 Q. What about how you operate the jail</p>
<p style="text-align: right;">Page 339</p> <p>1 the question. Asked and answered. 2 A. No, I cannot. 3 Q. Do you have any personal knowledge 4 as to why Summit County has sued CVS in this 5 lawsuit? 6 A. Because of the large amount of 7 prescriptions that they were filling and did 8 nothing about. 9 Q. And can you personally point to any 10 specific conduct by CVS related to opioids that 11 caused harm to Summit County? 12 MR. LEDLIE: Object to the form of 13 the question. 14 A. No, I cannot. 15 Q. And do you have any personal 16 knowledge as to why Summit County has sued HBC 17 Service Company in this lawsuit? 18 A. No, I don't. 19 Q. Do you know what HBV Service 20 Company is? 21 A. I do not. 22 Q. So you identified, I believe you 23 said it was a large amount of prescriptions 24 that have been filled by each of these 25 pharmacies that I've listed that did nothing</p>	<p style="text-align: right;">Page 341</p> <p>1 on a day-to-day basis creates knowledge about 2 what pharmacies have been doing in Summit 3 County? 4 MR. LEDLIE: Object to the form. 5 A. From the discussions with my 6 counsel. 7 Q. So then your testimony is the tie 8 between pharmacies and jail operations in 9 Summit County is based on discussions with your 10 counsel? 11 A. It's part of it. 12 Q. What other parts or sources of 13 knowledge do you have? 14 A. Just living through what we've -- 15 what we've been doing. I mean, I don't -- I 16 can't pinpoint exactly what it is, but we've 17 been dealing with this for the last seven to 18 ten years. It's kind of a -- an -- all kinds 19 of blanket knowledge that I have. 20 Q. Do you have any sources of blanket 21 knowledge, you said, beyond sources you've 22 testified to earlier today in response to 23 questions from the other counsel? 24 A. None that I can think of right now. 25 Q. Okay. Have you attended any</p>

<p style="text-align: right;">Page 342</p> <p>1 meetings with any group that is suing the 2 opioid distributors or manufacturers in Summit 3 County? 4 A. No. 5 Q. Have you attended any meetings with 6 any group that is suing the pharmacies in 7 Summit County? 8 A. No. 9 Q. Have you talked to any other 10 government or individual who is suing the 11 distributors, manufacturers, or pharmacies in 12 Summit County? 13 A. No, I have not. 14 Q. What about outside of -- of Summit 15 County? 16 A. No, I have not. 17 Q. Now, you serve on the city council 18 for the City of Macedonia, correct? 19 A. I do. 20 Q. Okay. And how long have you been a 21 city council member? 22 A. I was appointed again in August. 23 Q. August of 2018? 24 A. Yes. 25 Q. You say appointed again. Did you</p>	<p style="text-align: right;">Page 344</p> <p>1 just listed, when you were previously on the 2 city of council [sic]? 3 A. I was chairman of the safety 4 commission, but I never got involved other 5 than, let's get the Macedonia officers this 6 training or let's buy this cruiser for them. I 7 never got into their policymaking, never 8 brought my agency in to assist with any type of 9 enforcement in the city. I tried to keep it 10 very -- keep both those roles very separate. 11 Q. So what did you do as the chair of 12 safety that you did not see as a conflict with 13 your role with the sheriff's department? 14 A. If the -- the chief would bring me 15 something that, hey, we need to get this patrol 16 car, I would go ahead and talk to my fellow 17 council members and say, "This is the patrol 18 car they want to get. It seems like a pretty 19 good idea. Let's do that." 20 If there was an ongoing issue and 21 they needed money for training. Those are the 22 kind of things I dealt with. 23 Q. You said an ongoing issue. So 24 would someone bring issues for you to -- 25 regarding safety in the City of Macedonia to</p>
<p style="text-align: right;">Page 343</p> <p>1 previously serve on the city council? 2 A. I did. I served two four-year 3 terms between January of '05 and December of 4 '13, maybe. 5 Q. What are your responsibilities on 6 city council, currently, in your term that 7 started in August of 2018? 8 A. Assist in preparing the budget for 9 the city, vote on legislation that was brought 10 to us by the mayor or other council members, 11 basically setting the rules and regulations in 12 the City of Macedonia. 13 Q. Do you have any responsibility for 14 security of the City of Macedonia? 15 A. No, I do not. 16 Q. So no law enforcement role with the 17 City of Macedonia specific to your council 18 role? 19 A. No. That would be a conflict to 20 me. I would -- I would not do that. 21 Q. Do you oversee any law enforcement 22 within the City of Macedonia? 23 A. No. 24 Q. Okay. What about, did you have any 25 different responsibilities, other than what you</p>	<p style="text-align: right;">Page 345</p> <p>1 your attention in that role? 2 A. I think I had some traffic 3 complaints brought by citizens to me. Then I 4 would take them to the chief. I just -- I 5 don't do a lot with law enforcement in the City 6 of Macedonia. 7 Q. Do you remember anything other than 8 traffic complaints that were brought to your 9 attention when you were the chair of the 10 safety? 11 A. We have -- we have a -- we have a 12 shopping center complex, and I know that we 13 discussed some thefts that were taking place at 14 the local -- local stores there. 15 Q. Did any of your roles or issues you 16 heard about at the City of Macedonia have to do 17 with drug use within the City of Macedonia? 18 A. We did talk a couple times about 19 some hotels that were on State Route -- State 20 Route 8, that the police department was having 21 some problems with those. 22 Q. And what issues dealing with hotels 23 were happening? 24 A. They would get calls that they 25 would -- they would deem nuisance calls, and</p>

<p style="text-align: right;">Page 346</p> <p>1 they would want city council to enact some 2 legislation to make it more difficult to, I 3 guess, conduct business in hotels. And I was 4 never a proponent of that, but it was discussed 5 with me. We never took any action on it. 6 Q. So what is the tieback to drugs 7 with hotels, that this came to your attention? 8 A. The police department was making 9 some drug arrests in these hotels. 10 Q. Okay. And the -- and the nuisance 11 call, you said you wanted to make it harder to 12 do business in the hotels. What do you mean by 13 that? 14 A. So if we got -- if we would get a 15 call -- this was -- now, this was just proposed 16 legislation. I don't think we ever enact- -- 17 enacted it. I don't think we ever took action 18 on it. 19 They -- they wanted to come up with 20 some type of rule that if we get called to a 21 residence or a business location more than a 22 certain amount of times, we would impose a 23 fine. We never did that, but it was something 24 that was discussed. I do -- do recall that. 25 Q. What type of drugs were involved</p>	<p style="text-align: right;">Page 348</p> <p>1 service on city council for Macedonia? 2 A. I -- I don't think it does. I 3 don't think -- I -- I really try to keep those 4 two very, very separate. You know, have I 5 picked up things here and there? I suppose 6 it's possible, but I don't -- nothing with this 7 lawsuit relates, in my mind, to my tenure on 8 city council. 9 Q. You testified earlier today about 10 burglaries from pharmacies, which I think you 11 thought were back in your time you were at the 12 sheriff's department. 13 Do you have any personal knowledge 14 about a burglary of any prescription opioids 15 coming from a Walmart? 16 A. No, I don't remember the pharmacy 17 that it was. I don't think it was a big store 18 like that, but I really can't recall. I'd have 19 to dig up the report from then -- from then. 20 Q. And where would you access that 21 report if you were to go look for it? 22 A. I would go to my records and ID 23 bureau and ask them to -- to dig it up and 24 maybe go to the radio room and ask them to pull 25 up something on the CAD related to that, in</p>
<p style="text-align: right;">Page 347</p> <p>1 that you recall? 2 A. I don't remember. 3 Q. Anything to do with opioid drugs? 4 A. I don't know if they were or not. 5 Q. Okay. And what is the time frame 6 on this? 7 A. It would have been my first -- one 8 of my -- been one of my first two terms on 9 counsel back in 2005 to -- to 2013, I think I 10 was done. 11 Q. So between 2005 and 2013, you were 12 aware of drug sales being conducted out of 13 hotels in the City of Macedonia? 14 A. It was one of the things that 15 was -- was talked about, yes. 16 Q. And were those illicit; they were 17 not prescription opioids -- 18 MR. LEDLIE: Object to the form. 19 Q. -- to your knowledge? 20 MR. LEDLIE: Sorry. Object to the 21 form of the question. 22 A. I -- I don't recall. 23 Q. Does any of your knowledge about 24 opioids that you've discussed in this lawsuit 25 or in this deposition today come from your</p>	<p style="text-align: right;">Page 349</p> <p>1 that time frame. 2 Q. Did you try to do that in relation 3 to this lawsuit? 4 A. No. 5 Q. Did anyone ask you to look for 6 pharmacy burglaries of prescription opioids in 7 regards to this lawsuit? 8 MR. LEDLIE: Object to the form of 9 the question. 10 A. That was never asked of me. 11 Q. And so you said it didn't have to 12 do with a Walmart. Fair to say they 13 wouldn't -- the burglaries from pharmacies 14 wouldn't have been from a CVS, a Walgreens, a 15 Rite Aid, a Giant Eagle, or any other Defendant 16 in this lawsuit, to your knowledge? 17 MR. LEDLIE: Object to the form of 18 the question. 19 A. I -- I really don't remember the -- 20 the name of -- of the pharmacy. I don't recall 21 it being one of the big vendors. 22 Q. Okay. Do you know what the term 23 "diversion" means with regard to prescription 24 opioids? 25 A. No.</p>

<p style="text-align: right;">Page 350</p> <p>1 Q. Okay. It's not a term you use in 2 the sheriff's department, diversion of opioids 3 or drugs? 4 MR. LEDLIE: Object to the form of 5 the question. 6 A. Could it mean something different 7 to me? 8 Q. That's what I'm asking. 9 A. I -- can you give me some context 10 to it? 11 Q. I was asking, in your knowledge, do 12 you have any familiarity with the term? 13 A. No. We have a juvenile diversion 14 program. It has nothing to do with opioids. 15 Q. Okay. And you testified earlier 16 today about inmates who used to receive pills 17 from doctors and were not able to get them as 18 readily anymore. Do you recall that testimony? 19 A. I do remember that, yes. 20 Q. And were you referring to an 21 inability to receive prescription opioids under 22 a legitimate prescription? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. Yes. When the state and the local</p>	<p style="text-align: right;">Page 352</p> <p>1 testimony. 2 A. I spoke to the inmates before about 3 these things, yes. 4 Q. Is it fair to say you do not know 5 what information any particular individual may 6 have received prior to using a prescription 7 opioid? 8 A. Information in regards to what? 9 Q. Any information about the opioid 10 prior to receiving a prescription for it? 11 A. I wouldn't know what they've 12 discussed with their doctor. 13 Q. You anticipated my next question. 14 You do not know what conversation 15 they may have had with their prescribing doctor 16 before the first time they received that 17 prescription? 18 MR. LEDLIE: Objection. Asked and 19 answered. 20 A. I would not know that. 21 Q. Do you know what conversations they 22 may have had with their pharmacist the first 23 time they filled a prescription for an opioid? 24 A. No, I would not. 25 Q. Do you know what additional</p>
<p style="text-align: right;">Page 351</p> <p>1 governments begun -- began to crack down on the 2 doctors, yes, that's what I was referring to. 3 Q. So you're referring to states and 4 local governments cracking down on doctors that 5 meant that inmates could no longer get 6 prescription opioids? 7 A. I think that's what I was referring 8 to, yes. 9 Q. Okay. So is your testimony that 10 the inmates that you discussed the inability to 11 receive pills anymore were inmates who had 12 received prescriptions from doctors that had 13 been stopped in the ability to provide 14 prescriptions by state and local governments? 15 MR. LEDLIE: Object to the form of 16 the question. Compound. Vague. Confusing. 17 A. I think that's what I -- what I was 18 getting at when I discussed these things with 19 inmates. They've told me that they couldn't 20 get something from their doctors. 21 Q. And now, your personal knowledge on 22 this is based on what you've heard from the 23 inmates, correct? 24 MR. LEDLIE: Object to the form of 25 the question. Asked and answered. Misstates</p>	<p style="text-align: right;">Page 353</p> <p>1 conversations this person may have had with 2 their physician before receiving an opioid? 3 A. I would not have that information. 4 Q. Okay. So fair to say you do not 5 know what any individual patient may have 6 understood about the risks of taking an opioid 7 under a prescription? 8 MR. LEDLIE: Object to the form of 9 the question. 10 A. I don't know what they would have 11 known. 12 Q. Also fair to say you do not know 13 what any individual patient may have understood 14 about addiction to opioids prior to taking a 15 prescription opioid? 16 A. I wouldn't have known what they 17 understand. 18 THE REPORTER: Wouldn't have 19 known -- 20 THE WITNESS: I'm sorry. 21 A. I wouldn't have known what they 22 understood. 23 Q. Captain Barker, you're not an 24 expert on public health policy, correct? 25 A. Correct.</p>

<p style="text-align: right;">Page 354</p> <p>1 Q. You're not a physician?</p> <p>2 A. No.</p> <p>3 Q. Other than any job-related training</p> <p>4 you've discussed earlier today, you have no</p> <p>5 medical training, correct?</p> <p>6 A. I do not.</p> <p>7 Q. You're not an expert on pain</p> <p>8 management or the treatment of pain?</p> <p>9 A. No, I'm not.</p> <p>10 Q. Do you have any training or</p> <p>11 exper- -- expertise in epidemiology?</p> <p>12 A. No.</p> <p>13 Q. Do you have any training or</p> <p>14 expertise in pharmacology?</p> <p>15 A. No.</p> <p>16 Q. You're not a pharmacist?</p> <p>17 A. No.</p> <p>18 Q. Do you have any training or</p> <p>19 expertise in toxicology?</p> <p>20 A. No.</p> <p>21 Q. Do you have any training or</p> <p>22 expertise in the diagnosis or treatment of</p> <p>23 mental health disorders?</p> <p>24 A. No.</p> <p>25 Q. Do you have any training or</p>	<p style="text-align: right;">Page 356</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what is her role at the</p> <p>3 sheriff's department?</p> <p>4 A. She's a deputy assigned to the</p> <p>5 patrol division.</p> <p>6 Q. To the patrol division, you said?</p> <p>7 A. Yes, to the patrol division.</p> <p>8 Q. Does she have any role with</p> <p>9 investigating drug crimes?</p> <p>10 A. She's not typically assigned to</p> <p>11 that. She's a patrol deputy that takes calls</p> <p>12 and answers calls.</p> <p>13 Q. So she's not typically assigned to</p> <p>14 that, but she has been assigned to drug</p> <p>15 investigations, to your knowledge?</p> <p>16 MR. LEDLIE: Object to the form.</p> <p>17 Foundation.</p> <p>18 A. I don't know for sure, other than</p> <p>19 some minor drug violations.</p> <p>20 Q. How long has your wife been an</p> <p>21 employee at the sheriff's department?</p> <p>22 A. Since September of 1999.</p> <p>23 Q. Have you discussed the opioid</p> <p>24 crisis with your wife?</p> <p>25 A. Surprisingly, we talk very little</p>
<p style="text-align: right;">Page 355</p> <p>1 expertise in mental health?</p> <p>2 A. No, I don't.</p> <p>3 Q. You're not a psychologist or a</p> <p>4 psychiatrist?</p> <p>5 A. No.</p> <p>6 Q. Do you have any training or</p> <p>7 expertise in the diagnosis or treatment of</p> <p>8 addiction or substance abuse?</p> <p>9 A. No, I don't.</p> <p>10 Q. You're not an expert on the causes</p> <p>11 of addiction?</p> <p>12 A. No, I'm not.</p> <p>13 Q. You're not an expert on the</p> <p>14 treatments of addiction?</p> <p>15 A. No, I'm not.</p> <p>16 Q. So you aren't qualified to diagnose</p> <p>17 someone with an addiction or substance use</p> <p>18 disorder, are you?</p> <p>19 A. I am --</p> <p>20 MR. LEDLIE: Object to the form of</p> <p>21 the question.</p> <p>22 A. I am not.</p> <p>23 Q. Captain Barker, your wife is also</p> <p>24 an employee of the sheriff's department,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 357</p> <p>1 about work. We have not talked about this.</p> <p>2 MS. MORRISON: Give me a couple</p> <p>3 minutes to confer with my co-counsel.</p> <p>4 THE VIDEOGRAPHER: Going off the</p> <p>5 record at 6:03 p.m.</p> <p>6 (A recess was taken.)</p> <p>7 THE VIDEOGRAPHER: Back on the</p> <p>8 record at 6:06 p.m.</p> <p>9 MS. WU: Thank you, Captain Barker.</p> <p>10 We have no further questions.</p> <p>11 MR. LEDLIE: And I don't have any</p> <p>12 questions. Thank you, Captain Barker, for your</p> <p>13 service and for your time today.</p> <p>14 THE WITNESS: Okay. Everybody have</p> <p>15 a safe trip home.</p> <p>16 THE VIDEOGRAPHER: Off the record</p> <p>17 at 6:06 p.m.</p> <p>18 (Deposition concluded at 6:06 p.m.)</p> <p>19 ~ ~ ~ ~ ~</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 358</p> <p>1 Whereupon, counsel was requested to give 2 instructions regarding the witness's review of 3 the transcript pursuant to the Civil Rules. 4 5 SIGNATURE: 6 Transcript review was requested pursuant to the 7 applicable Rules of Civil Procedure. 8 9 TRANSCRIPT DELIVERY: 10 Counsel was requested to give instructions 11 regarding delivery date of transcript. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 360</p> <p>1 I do further certify that I am not 2 a relative, counsel or attorney for either 3 party, or otherwise interested in the event of 4 this action. 5 IN WITNESS WHEREOF, I have hereunto 6 set my hand and affixed my seal of office at 7 Cleveland, Ohio, on this 3rd day of 8 December, 2018. 9 10 11 12 13 14  15 Stephen J. DeBacco, Notary Public 16 within and for the State of Ohio 17 My commission expires September 30, 2022. 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 359</p> <p>1 REPORTER'S CERTIFICATE 2 The State of Ohio,) 3 SS: 4 County of Cuyahoga.) 5 6 I, Stephen J. DeBacco, a Notary 7 Public within and for the State of Ohio, duly 8 commissioned and qualified, do hereby certify 9 that the within named witness, SHANE BARKER, 10 was by me first duly sworn to testify the 11 truth, the whole truth and nothing but the 12 truth in the cause aforesaid; that the 13 testimony then given by the above-referenced 14 witness was by me reduced to stenotypy in the 15 presence of said witness; afterwards 16 transcribed, and that the foregoing is a true 17 and correct transcription of the testimony so 18 given by the above-referenced witness. 19 I do further certify that this 20 deposition was taken at the time and place in 21 the foregoing caption specified and was 22 completed without adjournment. 23 24 25</p>	<p style="text-align: right;">Page 361</p> <p>1 Veritext Legal Solutions 2 1100 Superior Ave 3 Suite 1820 4 Cleveland, Ohio 44114 5 Phone: 216-523-1313 6 December 3, 2018 7 To: JAMES W LEDLIE 8 Case Name: In Re: National Prescription Opiate Litigation v 9 Veritext Reference Number: 3104521 10 Witness: Shane Barker Deposition Date: 11/28/2018 11 Dear Sir/Madam: 12 Enclosed please find a deposition transcript Please have the witness 13 review the transcript and note any changes or corrections on the 14 included errata sheet, indicating the page, line number, change, and 15 the reason for the change Have the witness' signature notarized and 16 forward the completed page(s) back to us at the Production address 17 shown 18 above, or email to production-midwest@veritext.com 19 If the errata is not returned within thirty days of your receipt of 20 this letter, the reading and signing will be deemed waived 21 Sincerely, 22 Production Department 23 24 25 NO NOTARY REQUIRED IN CA</p>

<p style="text-align: right;">Page 362</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 3104521</p> <p>4 CASE NAME: In Re: National Prescription Opiate Litigation v</p> <p>5 DATE OF DEPOSITION: 11/28/2018</p> <p>6 WITNESS' NAME: Shane Barker</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me</p> <p>10 I have made no changes to the testimony</p> <p>11 as transcribed by the court reporter</p> <p>12</p> <p>13 Date _____ Shane Barker</p> <p>14 Sworn to and subscribed before me, a</p> <p>15 Notary Public in and for the State and County,</p> <p>16 the referenced witness did personally appear</p> <p>17 and acknowledge that:</p> <p>18 They have read the transcript;</p> <p>19 They signed the foregoing Sworn</p> <p>20 Statement; and</p> <p>21 Their execution of this Statement is of</p> <p>22 their free act and deed</p> <p>23</p> <p>24 I have affixed my name and official seal</p> <p>25 this _____ day of _____, 20____</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>	<p style="text-align: right;">Page 364</p> <p>1 ERRATA SHEET</p> <p>2 VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>3 ASSIGNMENT NO: 11/28/2018</p> <p>4 PAGE/LINE(S) / CHANGE /REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 Date _____ Shane Barker</p> <p>21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____</p> <p>22 DAY OF _____, 20____.</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>
<p style="text-align: right;">Page 363</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 3104521</p> <p>4 CASE NAME: In Re: National Prescription Opiate Litigation v</p> <p>5 DATE OF DEPOSITION: 11/28/2018</p> <p>6 WITNESS' NAME: Shane Barker</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me</p> <p>10 I have listed my changes on the attached</p> <p>11 Errata Sheet, listing page and line numbers as</p> <p>12 well as the reason(s) for the change(s)</p> <p>13 I request that these changes be entered</p> <p>14 as part of the record of my testimony</p> <p>15</p> <p>16 I have executed the Errata Sheet, as well</p> <p>17 as this Certificate, and request and authorize</p> <p>18 that both be appended to the transcript of my</p> <p>19 testimony and be incorporated therein</p> <p>20</p> <p>21 Date _____ Shane Barker</p> <p>22 Sworn to and subscribed before me, a</p> <p>23 Notary Public in and for the State and County,</p> <p>24 the referenced witness did personally appear</p> <p>25 and acknowledge that:</p> <p>They have read the transcript;</p> <p>They have listed all of their corrections</p> <p>in the appended Errata Sheet;</p> <p>They signed the foregoing Sworn</p> <p>Statement; and</p> <p>Their execution of this Statement is of</p> <p>their free act and deed</p> <p>I have affixed my name and official seal</p> <p>this _____ day of _____, 20____</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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